

BRILL'S STUDIES IN INTELLECTUAL HISTORY

General Editor

A.J. VANDERJAGT, University of Groningen

Editorial Board

M. COLISH, Oberlin College

J.I. ISRAEL, University College, London

J.D. NORTH, University of Groningen

H.A. OBERMAN, University of Arizona, Tucson

R.H. POPKIN, Washington University, St. Louis-UCLA

VOLUME 74



THE MEDIEVAL ABBEY OF FARFA

Target of Papal and Imperial Ambitions

BY

MARY STROLL



BRILL
LEIDEN · NEW YORK · KÖLN
1997

This book is printed on acid-free paper.

Library of Congress Cataloging-in-Publication Data

Stroll, Mary.

The medieval Abbey of Farfa : target of papal and imperial ambitions / by Mary Stroll.

p. cm. — (Brill's studies in intellectual history, ISSN 0920-8607 ; v. 74)

Includes bibliographical references and index.

ISBN 9004107045 (cloth : alk. paper)

1. Abbey of Farfa. 2. Farfa (Italy)—Church history. I. Title.
II. Series.

BX2624.F3S77 1997

271'.104563—dc21

96-49112
CIP

Die Deutsche Bibliothek - CIP-Einheitsaufnahme

Stroll, Mary:

The medieval Abbey of Farfa : target of papal and imperial ambitions / by Mary Stroll. — Leiden ; New York ; Köln : Brill, 1996.

(Brill's studies in intellectual history ; Vol. 74)

ISBN 90-04-10704-5

NE: GT

ISSN 0920-8607
ISBN 90 04 10704 5

© Copyright 1997 by Koninklijke Brill, Leiden, The Netherlands

All rights reserved. No part of this publication may be reproduced, translated, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission from the publisher.

*Authorization to photocopy items for internal or personal use is granted by Koninklijke Brill provided that the appropriate fees are paid directly to The Copyright Clearance Center, 222 Rosewood Drive, Suite 910 Danvers MA 01923, USA.
Fees are subject to change.*

PRINTED IN THE NETHERLANDS

To Avrum, Ted, Betsy and Alice

CONTENTS

List of Abbreviations	ix
Acknowledgments	xi
Introduction	1
Illustrations and Maps	
Chapter One From a Cell to a Monastic Giant	17
Chapter Two Property and Competition	30
Chapter Three Berard I and Nicholas II	48
Chapter Four Farfa Before the Trials	63
Chapter Five The Ottaviani	75
Chapter Six Arbitration: San Nicola in Carcere	91
Chapter Seven The Ottaviani's Defense: The Donation of Constantine	105
Chapter Eight Completion of the Trial	121
Chapter Nine The Significance of the Trial	133
Chapter Ten The Papal Electoral Decree of 1059	145
Chapter Eleven Panvinius on Farfa's Version of the Decree	154
Chapter Twelve The Decree in the <i>Chronicon</i> : A Forgery?	166
Chapter Thirteen The Cardinal Bishops in Papal Elections	179
Chapter Fourteen The Decree: Conclusions	196
Chapter Fifteen <i>Orthodoxa Defensio Imperialis</i>	209
Chapter Sixteen The Contested Election	224
Chapter Seventeen From Imperial to Papal Patronage	240
Chapter Eighteen Frederick Barbarossa and the Twilight of Farfa	256
Chapter Nineteen Conclusion	274
Bibliography	277
Index	287

LIST OF ABBREVIATIONS

- JL P. Jaffé, *Regesta pontificum Romanorum ab condita ecclesia ad annum post Christum natum MCXCVIII*, 2nd ed. rev. S. Loewenfeld (882–1198)
- MGH *Monumenta Germaniae historica*
 Const *Constitutiones et acta publica imperatorum et regum*
 LdL *Libelli de lite imperatorum et pontificum*
 SS *Scriptores*
 DD *Diplomata*
- PL J.P. Migne, *Patrologia Latina*

ACKNOWLEDGMENTS

I noted in my past research that most references to the imperial monastery of Farfa were invidious. Scholars have generally concluded that while other monasteries were instituting reforms in the twelfth century, Farfa remained fixated on a regressive form of Benedictinism. My curiosity was piqued to determine if this was so, and I decided to investigate. What I discovered, as my book will show, is that these studies were oversimplified. My inquiries introduced me to a richly textured world in which the papacy and the empire competed with one another to establish a new order.

Many colleagues and institutions have helped in this quest. The staff of the history department at the University of California, San Diego has been more than responsive to my needs and requests. The Vatican Library stores most of the sources and literature, and its prefect, Leonard Boyle, has been invariably helpful. It is my good fortune that he is a medievalist, and is always ready to share his vast knowledge of the areas of my research. For years the American Academy in Rome has provided apartments and a rich ambiance in which to exchange ideas with a wide panoply of scholars and artists. Its present director, Caroline Bruzelius, another medievalist, has done an outstanding job of gathering all of us together, and of maintaining a professional and congenial staff. I especially single out Pina Pasquantonio, Norman Roberson, Alfredo Cianfrocca, and Antonella Bucci, the librarian who always wears a smile as she finds abstruse references for me.

Karen Einaudi, an art historian in Rome, helped me through the labyrinth of Roman archives in search of photos, and gave me many valuable references. Oliver Gilkes showed me the photos of the excavations of Farfa at the British School, and Brenda Bolton introduced me to valuable local periodicals housed there. Uta Renate Blumenthal graciously shared her expertise, especially on the papal electoral decree of 1059. Stanley Chodorow read part of a draft of my manuscript, and made his usual insightful observations. Bill North took time out of his own research to read an early version of my manuscript, and to make helpful comments.

A vast array of computer whizzes have aided me in dealing with

the morass caused by changing software in mid stream. Pat Melese, who has an intuitive understanding of machines, nursed me through the beginning stages of the transformation from function keys to graphics. One of my files is named "Steve" after an otherwise unknown technician at Microsoft Word, who rescued my text as it was about to disappear into cyberspace. Jim Riley, Lisa Jacobs, and Skip Austin, invented techniques for working around my difficulties, and my son, Ted, imparted his expertise on countless occasions. Jae Douglas and Pat De Martino labored diligently and skillfully to organize my index.

Pierre Toubert graciously allowed me to print two of his excellent maps of the Sabina, and in an act of supererogation, Father Lawrence Waddy proof read my foot notes. Marianne McDonald has given me both moral and tangible support, and friends and family have always been encouraging during the sometimes laborious task of writing a book. Theo Joppe, my editor, is infinitely resourceful, and a joy with whom to work. My fixed star has always been my husband, Avrum, who read every version of my manuscript, analyzed the arguments, and made invaluable suggestions. I thank him, and all of the others who have made this book possible.

Mary Stroll

The University of California, San Diego

June 15, 1996

INTRODUCTION

ILLUSTRATIONS AND MAPS

INTRODUCTION

Almost from their inception the great monastic patrimonies functioned as both religious and political institutions.¹ From the seventh through the tenth centuries patrons and other donors frequently were moved to support monasteries not simply by a religious spirit, but by political objectives. In a time in which power was indissolubly bound with landed property, their donations created a territorial entity that assured the autonomy of the monastery from local control. In cases such as Farfa these monasteries virtually constituted small states.

By the end of the eighth century most of these establishments under the royal umbrella enjoyed immunities and the right to provide security for themselves and those whom they protected. To counter the power of other forces, especially bishops, sovereigns granted them certain prerogatives, including the authority to exercise royal functions. From the time of the Carolingians these monasteries already represented a considerable political force, and as an imperial monastery, Farfa fit the paradigm.²

In response to the imperial "tuitio" the papacy offered its own "defensio." In return for this protection the client institutions were expected to act in the interests of their patrons. At times monastic establishments under papal patronage competed with their imperial counterparts. Until the reign of Gregory VII (1073–1085), Farfa generally coexisted peacefully with the papacy, but thereafter papal ambitions frequently placed the two institutions at odds. Since Farfa was located in the Sabina, which the papacy claimed as part of its Patrimony, it perceived papal efforts to impose authority as a threat to its liberties.³

Like many other monasteries Farfa also participated in a wider

¹ Raffaello Morghen, "Le Relazioni del Monastero Sublacense col Papato, la Feudalità et il Comune nell'alto Medio Evo," *Archivio della R. Società Romana di Storia Patria* 51 (1928), 181–253, at pp. 184–185.

² Josef Semmler, "Traditio und Königsschutz: Studien zur Geschichte der königlichen Monasteria," *Zeitschrift der Savigny Stiftung für Rechtsgeschichte* KA 45 (1959), 1–33.

³ *Die Kanonensammlung des Kardinals Deusdedit*, ed. Victor Wolf von Glanvell (Paderborn, 1905), compiled between May 9 & September 16, 1087; Lib. III, c. 190, p. 353: "Item monasterium eiusdem Sublacense et saluatoris apud Reate, et Farfense iuris beati P[etri] sunt, quoniam in eius patrimonio et territorio, ut in sequentibus legitur, sita sunt." Paul Friedolin Kehr, *Italia Pontificia* 2, *Latium*, Patrimonium Sabinense, p. 9.

arena of power. At the end of the eleventh century and the beginning of the twelfth—the period of the focus of our study—it held lands far beyond its own confines. It can be compared with San Paolo fuori le mura, located along the Via Ostiense just outside the walls of Rome, and under papal patronage. They both held jurisdiction over a considerable amount of land, churches, abbeys, and castles in the territory in and around Rome.⁴ From these outposts they could exercise various degrees of control over roads, rivers, and access to the sea.

Farfa and San Paolo were particularly important during times of conflict between the pope and the emperor. When Gelasius II fled from Henry V in 1118, for example, he found succor at the castle of Ardea, held by San Paolo.⁵ Subiaco, the legendary monastery of St. Benedict, also fell under papal influence. If until the end of the seventh century popes primarily favored this most hallowed monastery for religious reasons, thereafter they used its resources and prestige to expand their authority around Rome, and to ensure their security.

While attempting to establish the Patrimony as the tangible kingdom of the papacy, the reform popes increasingly found Farfa to be an irritant. The imperial monastery was not necessarily antagonistic to the popes or to such basic goals of the reform as priestly celibacy and the abolition of simony, but it jealously guarded any encroachment on its own liberties and possessions. Just as the Burgundian monastery of Cluny understood that the key to its independence from local powers lay in its jurisdiction directly under the pope, so also Farfa knew that its freedom relied mainly upon the emperor. In both cases the patron offered protection and immunity, but was distant enough not to interfere excessively in the internal affairs of the monastery.

These relationships were established well before the conflicts between *regnum* and *sacerdotium*—state and church—at the end of the eleventh century, and originally they had nothing to do with an adherence to

⁴ Giulio Silvestrelli, *Città, castelli e terre della regione romana*, 2nd ed., pref. Pietro Fedele, 2 vols., (Rome, 1940); G. M. De Rossi, *Torri medievali della Campagna Romana* (Rome, 1981); See the monumental study of medieval Latium of Pierre Toubert, *Les Structures du Latium Médiéval: Le Latium méridional et la Sabine du IX^e siècle à la fin du XIII^e siècle*, 2 vols., (Rome, 1973).

⁵ *Le Liber Pontificalis*, ed. Louis Duchesne, 2 vols., (Paris, 1886–1892, repr. 1955–1957) 2, p. 314 and n. 28.

the ideology of one side or the other. As the tensions between the two sides intensified, however, both popes and emperors tightened their bonds with their dependencies. During the first years of the reform movement, underway by the reign of Leo IX (1049–1054), Farfa's relationship with the papacy remained good.⁶ If anything it improved under Nicholas II (1059–1061), who confirmed some of its basic privileges, and pledged that the papacy would not infringe its liberties.⁷ Even Gregory VII favored the imperial monastery during the early years of his reign. Farfa, in turn, usually recognized the reform popes during papal schisms, and only halfheartedly accepted Clement III, Henry IV's candidate, after Gregory VII had fled into exile in 1084. But in spite of this flexibility, Farfa was not totally impartial, and during times of acute tension between the papacy and the empire, it sided with the emperor.

This tension frequently flared during the period in which the church was attempting to establish its independence from the empire, and the papacy to consolidate its ecclesiastical and secular authority over Christendom. From the reigns of Henry IV (1056–1106) and Gregory VII (1073–1085) through those of Henry V (1106–1125) and

⁶ Farfa requested confirmation of its rights and property from Leo IX; *Il Regesto di Farfa*, ed. Ignazio Giorgi & Ugo Balzani, 5 vols., (Rome, 1914) 4, #878, pp. 272–273: “Statuentes apostolica censura, ex auctoritate beati petri apostolorum principis sub divinis optestationibus et anathematis interdictionibus, ut nulli unquam nostrorum successorum pontificum, uel aliae cuiuslibet magnae parvaeque personae, ipsa praenominata loca uel quae in posterum, auxiliante deo, uestro monasterio fuerint acquisita, sicuti superius sunt instituta, a potestate et dicione uestra uestrorumque successorum, ac uestri monasterii auferre uel alienare quoquo modo liceat.” In #884, pp. 280–282 Leo IX again confirmed all rights and privileges, but without binding the popes.

Henry III also confirmed Farfa's rights and privileges at Berard I's request. *Ibid.*, #879, pp. 274–277 at p. 275: “Infra urbem romani Aecclesiam sanctae MARIAE. Et sancti saluatoris cum criptis et muris, et cum introitu et exitu illarum. Et campum de agonis. . . . (p. 276) Confirmamus etiam eidem monasterio priuilegia pontificum cum omnibus rebus sibi collatis.” See n. 15 below for the *Regesto*.

⁷ *Regesto* 5, docs. p, q, r & s, pp. 291–295; doc. “p,” an. 1060, Nicholas comes to Farfa where he consecrates its major altar and concedes several privileges. doc. “s,” #1307, Humbert, cardinal bishop of Silva Candida, Peter, bishop of Gubbio, and Agilard, bishop and abbot of S. Paolo fuori le mura, legates of Nicholas II, excommunicate those who would infringe Farfa's privileges.

See also *ibid.* 4, #906, an. 1060, pp. 300–302 where Nicholas invests Berard I with the castles of Tribuco and Arce, violently usurped by Crescenzo, son of Ottaviano, and by his sons. One son, Johannes, presumably was the father of Oddo and Ottaviano, whose property dispute with Farfa was heard before two tribunals in 1103–1105. These tribunals and the relationship between Nicholas II and Farfa will be treated more extensively below.

Calixtus II (1119–1124) the papacy's new assertiveness especially affected Farfa.

In the face of this perceived onslaught, emperors fought to maintain their traditional prerogatives. Since ecclesiastical and monastic institutions were so deeply intertwined in the administration of the empire, they believed that they could not relinquish investitures over bishops and abbots. Henry III (1039–1056), Henry IV and Henry V meticulously exercised their rights of investiture of Farfa's abbots, confirmed the abbey's property, and held judicial sessions in the Sabina when they were in the area. A chronicle compiled in Farfa in the seventeenth century, and going back to the ninth century, states that emperors and their legates did not carry on secular business in the monastery itself, but on the further side of the river Rianum. There, it states, a palace was built in which emperors resided, held audiences, and made law.⁸

One of the most acute crises between pope and emperor in which Farfa showed its loyalty to the emperor occurred in February 1111. In the aftermath of the aborted coronation of Henry V at St. Peter's a melee ensued. Henry captured Paschal II (1099–1118) along with most of his cardinals, and imprisoned them in fortresses in the Sabina under Farfa's control. Berald III (1099–1119) was its abbot. As part of a consortium of nobles who opposed the papacy's initiatives in Latium and other areas close to Rome, he defended Henry. He especially objected to what he saw as the papacy's aggressive actions toward the emperor. A polemical tract originating in Farfa at this time entitled the *Orthodoxa defensio imperialis* reflects his views.⁹

When Calixtus II reached an accord with Henry V over investi-

⁸ *Chronicon Sacri ac Regalis Monasterii Farfensis ex uetusissimis manuscriptis collectum per V. P. D. Archangelum de Alexandris ab Urbe eiusdem coenobii alumnus*. (1626), Vat. Barb. 2350, fol. 43r: "Adnotatio [following De Structura et ordine Palatii] Animaduertendum est ne uideamur manifestam contradictionem dixisse cum in superioribus narrauimus, quod in situ Monasterij, id est in colle Acutiano, negotia secularia et lites non agebantur, sed in palatio peculiari ad id deputatum quo ultra rium qui Riana dicitur constructum erat. Et paulo post in Structura Imperialis Palatii narrauimus in tertio loco eiusdem Palatii esse Consistorium ubi lites, et cause audiebantur, et discutebantur a iudicibus, et officialibus. Dicimus ergo, quod cum Sacrum Farfense Cenobium esset Camera, et audientia Imperialis, ut multa testantur scripturarum monumenta, ibi audiebantur contentiones, et lites discutebantur ab officialibus Sacri Imperii uel quando Imperatores huc accedebant, in Palatio residebant ad audiendos populos ut legem facerent. In Palatio uero ultra Rianum situm, erat audientia. Abbatialis officialium Monasterij quotidiana; et hoc credimus fuisse in loco ubi ad presens dicitur Cauallaria ibi enim extant multa."

⁹ See n. 33 below for the *Orthodoxa defensio imperialis*.

tures in the Concordat of Worms of 1122, neither side mentioned the imperial monasteries in Italy.¹⁰ In fact, however, Henry ceased to defend his authority over these monasteries. Perhaps he and Calixtus had an unwritten understanding that the emperor would hold primary sway in Germany, and the pope in Italy and Burgundy. This understanding would have been adumbrated in the agreement that imperial investiture of bishops and abbots precede consecration in Germany, but follow it in Italy and Burgundy. The Italian imperial monasteries seem to have fallen to the papacy by default, and Henry V appears to have acceded to this new state of affairs in Farfa when he relinquished support for his candidate, Berard IV, in the long disputed election following the death of Berald III in 1119.

Another element—class—became a predominant factor in this election.¹¹ It had already emerged as a consideration in Berald III's election, but it became decisive in the selection of his successor. A great number of the lesser families of the Sabina—mainly the castelains—refused to accept an abbot from the upper nobility, and they specifically vetoed any member of Berald's family, the Ascareli. The implication of this rejection is that beyond rebuking Berald as a promoter of his family's interests, they rejected him as a representative of the high nobility. They supported Guido, the sacristan from a family of humble origins. The monks themselves did not share the lower nobility's feelings of repression and its need to choose an abbot from a lower class. They put forth their own candidate, and when the emperor invested a third candidate from more traditional noble origins, the battle was joined.

After the embers cooled, Farfa had lost its imperial backing, and had become totally vulnerable to papal control. The election marked a decisive change in the fortunes of the monastery, and its star never again burned as brilliantly. Sometimes the popes used their new power to their own advantage, callously ignoring the needs of the monks,

¹⁰ MGH Const. 1:159–161.

¹¹ Toubert, *Les Structures*, passim. In a process he described as *incastellamento*, underway by the beginning of the eleventh century, powerful men or institutions despatched men of lower birth to revive the fortifications associated with castles. Farfa participated in this movement, and it facilitated the capability of the monks to affirm their authority over the surrounding peasants (p. 987). As the power of the counts deteriorated in the middle of the eleventh century, the castelains gained much greater freedom of movement, and were sometimes able to appropriate justice (p. 1277). This social restructuring is reflected in the power of the lower orders in the election following the death of Berald III.

and at others they wielded their power judiciously. We shall see how Calixtus II exemplified the former tendency, and Honorius II (1124–1130) the latter.

In spite of their neglect, the emperors did not formally abrogate their patronage over imperial monasteries in Italy, and when they had the strength and the motivation, they continued to press their rights. In the contentious abbatial election at Montecassino in 1137, for example, Lothar III (1125–1137) stood his ground against Innocent II (1130–1143), and Innocent had to accept the election of a German candidate. Similarly, Frederick Barbarossa (1152–1190) revived imperial claims over Farfa as part of his strategy to regain control of Italy. Except for a faint echo from Frederick II, his efforts were the last, and after his reign Farfa no longer performed a major role in the contest between the empire and the papacy.

But Farfa's importance was microcosmic as well as macrocosmic, for it had always acted in a smaller arena. It vied with the local counts for control of the Sabina, and formed alliances with noble families from Rome and the surrounding areas. Like other monasteries it was fortified, and commanded a militia. Some monasteries such as San Paolo fuori le mura were surrounded by fortresses. Like the Leonine City built by Leo IV around the Vatican, John VIII (872–882) built Giovannipoli around San Paolo as a bulwark against the Saracens.¹² Later it became a stronghold for whoever could control it. From the time of Hildebrand, the future Gregory VII, it was perceived as a potential bulwark against the power of Farfa by opposing its property on the left bank of the Tiber to Farfa's on the right.

San Paolo was not the only church or monastery in Rome to contend with Farfa for land and power. We shall see that Ss. Cosma e Damiano in Mica Aurea (San Cosimato) in Trastevere also competed with Farfa, especially in Corneto, the present day Tarquinia.¹³ The church of San Eustachio was its other main rival, competing with Farfa for property in central Rome.¹⁴ These institutions almost seem to have lost their religious moorings, and in some ways they

¹² Ildefonso Schuster, *La Basilica e il monastero di S. Paolo fuori le mura* (Turin, 1929, repr. 1987). Silvestrelli, *Città*, pp. 220–249; An observation tower was erected on the mountain on the other side of Via Ostiense.

¹³ *Chronicon Farfense*, Ms. Farfa 1, Biblioteca Nazionale Vittorio Emanuele; ed. Ugo Balzani, *Il chronicon farfense di Gregorio di Catino*, Fonti per la storia d'Italia, Istituto Storico Italiano, 2 vols., 33–34, (Rome, 1903) 2, pp. 10–18.

¹⁴ *Ibid.*, 2, 18–24.

functioned more like gigantic corporations competing with one another for their own advantage or for that of their protectors.

Sources

Farfa produced a rich literature that breathed life into these events, and its apologists passionately defended its positions. Gregory of Catino became its most eloquent exponent and ardent defender. Johannes the Grammarian reveals much of what we know about Gregory in the prologue to the *Regestum Farfense*.¹⁵ Born c. 1060 from noble parents in the Sabina, Gregory and his brother, Donadeo, arrived at Farfa as young oblates during the reign of Berard I (1048–1089). His brother died soon thereafter, but Gregory went on to become educated at the monastery, and to master its vast archives. Although modest in alluding to his own education, he was well versed in the scriptures, the writings of the church fathers, the works of the major historians of his time, and canon law. His last known date is 1130 when he began his final work, the *Liber Floriger chartarum coenobii Farphensis*.¹⁶

Not just a pasty-faced monk recording privileges, charters, and other documents in a dimly lit scriptorium, Gregory participated actively in the turbulence in which Farfa was caught up during his lifetime. His prologues and propaganda tracts speak for themselves as ringing defenses of Farfa's traditional liberties under the emperor, but even his methodical listings of property transactions and privileges have political objectives. He wanted to make as strong a case as possible

¹⁵ The manuscript is preserved in the BAV, Vat. Lat. 8487. It was edited by Ignazio Giorgi and Ugo Balzani as *Il Regesto di Farfa compilato da Gregorio di Catino*, Biblioteca della Società Romana di Storia Patria, 5 vols. (Rome, 1879–1914). *Regesto* 2, pp. 20–21. Johannes Grammaticus was consecrated abbot of Santa Sofia in Benevento in 1120 and died in 1128; for sources and literature on Farfa see Ildefonso Schuster, *Abbazia di Farfa: Contributo allo studio del ducato romano nel M. Evo* (Rome, 1921, 1987), n. 1, pp. 21–23.

¹⁶ The *Liber Floriger* is located at the Biblioteca Nazionale Vittorio Emanuele in Rome, MS. Farfa 3; *Il "Liber Floriger" di Gregorio da Catino*, ed. Maria Teresa Maggi Bei (Rome, 1984); Herbert Zielinski, *Studien zu den spoletinischen "Privaturkunden" des 8. Jahrhunderts und ihrer Überlieferung im Regestum Farfense* (Bibliothek des Deutschen Historischen Instituts in Rom 39) (Tübingen, 1972), pp. 25–29; pp. 29–32 for his editing techniques; Theo Kölzer, *Collectio canonum Regesto Farfensi inserta*, Monumenta Iuris Canonici, Series B: Corpus Collectionum, vol. 5 (Vatican City, 1982), pp. 7–9; Charles B. McClendon, *The Imperial Abbey of Farfa: Architectural Currents of the Early Middle Ages* (New Haven and London, 1987), pp. 1–5.

for Farfa's rights, which he perceived to be threatened by encroachments from the local nobility, the papacy, and other religious institutions.

Quite possibly all of Gregory's works had a political impetus. Conscious that the current disorders under the profligate reign of Berard II (1090–1099) could endanger the records of Farfa's property, in 1092 at the age of 32 Gregory suggested that the abbot authorize him to organize all of the documents relating to the abbey's rights. The result was the two volume compendium that Gregory entitled the *Liber gemniagraphus sive cleronomialis ecclesiae farfensis*, and which is commonly known as the *Regestum Farfense*.¹⁷

Gregory seemingly either wanted to copy only certain documents out of Farfa's vast store, or he had some other reason for changing his format. In the so called *Prae-Regestum* he continuously numbered documents of King Liutprand and Duke Lupo. Very soon he switched to recording documents of donation under the format of the large

¹⁷ For the full citation see n. 15 above. It contains two prologues, a collection of canons, a catalogue of the abbots, a catalogue of the popes, some notes from the earliest days of the monastery, and 1324 documents. About 100 documents are bulls and diplomas of popes, emperors, kings, and dukes that relate to the charters containing dates accompanying the texts. The data in the charters are relevant to history, law and topography.

Regesto 2, pp. 6–7 for Gregory's preface; In conclusion he states: "Porro huic libro GEMNIAGRAPHUM nomen imposuimus, idest MEMORIAM DESCRIPTIONIS TERRARUM, quia in eo huius coenobii terras a quocumque, uel ubicumque acquisitas inseruimus, et eas ad semper memorandum in uno uolumine comprehendimus. Placuit etiam nobis et CLAERONOMIALEM, id est haereditalem pharphesis AECCLESIAE appellari, quoniam proprias ipsius immobiles ab initio libere demonstrat possessiones. . . ."

Zielinski (*Studien*, pp. 13–18) has found a multiplicity of defects in Giorgi and Balzani's edition. He notes that Gregory at times edited the documents to improve the Latin, to avoid repetition, or to reveal what had become blurred or indistinct because of age. He concludes, however, (p. 112) that there is no evidence that Gregory tried to tamper with the documents for his own purposes. *Studien*, pp. 33–112.

However, in his criticism of the analysis of Wilhelm Kurze ("Zur Kopiertätigkeit Gregors von Catino," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 53 (1973), 407–456) in "Gregor von Catino und das Regestum Farfense," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 55/56 (1976), 361–404 at p. 400 he was more guarded. Speaking of Farfa's cell, S. Maria in Minione, located in Corneto, he noted that the monastery was a constant object of contention between Farfa and circles of Rome. "Es kam zu Urkundendiebstählen und -manipulationen, in deren Verlauf sicherlich auch Kopien der für Farfa wichtigen Urkunden dürfen daher nur mit äusserster Behutsamkeit für die Beurteilung der Kopiertätigkeit Gregors ausgewertet werden. Solche vorsichtig abwägenden Umsicht vermisst man bei Kurze leider völlig." He cites a settlement reached by Otto III, to which I shall refer later. *Regesto* 3:152–153; see also Kölzer, *Collectio canonum*, p. 7.

folio that were numbered under the administration of individual abbots. After compiling about three hundred documents he reverted to the system of continuous numbering. This change may have coincided with his return from exile, forced by Berard II.¹⁸ Intriguingly, he leaves most of the diplomas of Nicholas II to the very end. This aberration is especially noteworthy since Farfa had very close relations with Nicholas, and based its independence from the papacy on one of his privileges.¹⁹

A collection of canons primarily relating to property compiled by Gregory himself constituted a critical part of the *Regestum*.²⁰ Obviously Gregory's objective was to marshal canons supporting Farfa's rights, but the collection came to be seen as a reflection of Farfa's yawning disinterest in the reform. Today most historians accept Gregory's more narrow context, and no longer expect that he would deal with broader ecclesiastical concerns. Gregory was, however, greatly concerned with the changing attitudes towards papal authority, and especially with the question of whether papal privileges and decrees entailed perpetual validity. Farfa's vital interests would be in jeopardy if the

¹⁸ Theo Kölzer, "Codex libertatis. Ueberlegungen zur Funktion des 'Regestum Farfense' und anderer Kloster chartulare," *Atti del Congresso internazionale di studi sull'alto medioevo*. Centro Italiano di Studi sull'alto medioevo (Spoleto, 1983), 609–653; p. 617.

¹⁹ See n. 7 above for some of these diplomas.

²⁰ *Regestum Farfense* fols. 59r–85b; Kölzer, *Collectio Canonum*; as in n. 16 above; pp. 13–14, 17–25 for the placement of the *Collectio* in the *Regestum*; Gregory intended that the collection be an integral part of the *Regestum*, and that it should be at the beginning of the work. He conceived the order of the folios, which have since been changed as: fols. 86–91; 4–11; 69–76; 59–68; 77–84; *ibid.*, 18–19; Kölzer's edition of the *Collectio Farfensis*, pp. 127–253; see also pp. 102, 110–111; G. Brugnoli, "Catalogus codicum Farfensium," *Benedictina* 6 (1952), 287–303, esp. 290; *Regesto* 1, p. XXVI & n. 1 where the editors explain why they did not include the canons in the *Regesto*; Paul Fournier, "Le Premier Manuel Canonique de la Réforme du XI^e Siècle," *Mélanges d'archéologie et d'Histoire* 14 (1894), 147–223; 285–190; Fournier concludes that Gregory not only transmitted the collection of canons in the *Regestum*, but also that he was the compiler and author. "La collezione canonica del Regesto di Farfa," *Archivio della R. Società Romana di storia patria* 27, (1904), 285–301 at p. 299.

Codice Casanatense 2010, written in several hands in Roman minuscule, and preserved in the Biblioteca Casanatense in Rome, contains parts of the *Liber Pontificalis* and the collection of canons in 74 titles entitled, *Diversorum sententiae patrum*. Gregory used these canons in the *Chronicon* to support Farfa's immunities. John Gilchrist, *Diversorum patrum sententie sive Collectio in LXXIV Titulos digesta*. Monumenta Iuris Canonici, Ser. B. Corpus Collectionum 1 (Vatican City, 1973), pp. xliii–xlvi; G. Brugnoli doubts the suggested authorship of Gregory of Catino of Casanatense 2010; "Note sulla minuscola farfense," *Rivista di cultura classica e medioevale* 3 (1961), 332–341 at 334, 337, 338; see also *idem*, "La Biblioteca dell'abbazia di Farfa," *Benedictina* 5 (1951), 3–17; *idem*, "Catalogus Codicum Farfensium," *Benedictina* 6 (1951), 287–303; 7 (1953), 85–120.

guarantee of its privileges ceased with the death of the pope. Since Farfa wanted to preserve rather than to change, it generally adhered to the more traditional view that old law took precedence over new. We shall see that in polemical interchanges during controversies Farfa's spokesmen based their arguments on these principles.

Gregory relied upon his nephew, Todinus, to complete the *Regestum*. Like Gregory, a monk at Farfa from the time of his youth, Todinus was well suited for the task. He likewise participated in compiling the *Liber Largitorius vel notarius monasterii pharphensis* that Gregory began about 1103, and also entitled the *Liber notarius sive emphiteuticus*.²¹ While the *Regestum* authenticated the original titles of the property and rights of Farfa, the *Liber Largitorius* registered the concessions Farfa made to others, the time period, the conditions of the concessions, and the value of the property.

Gregory synthesized large portions of the information contained in the *Regestum* and the *Liber Largitorius* in the *Chronicon Farfense*.²² Between 1105 and 1119 he wrote the first part through events under Berard I (1047–1089). Because of age, bad eyesight, or some other unknown reason he alternated with Todinus and unidentified scribes in bringing the chronicle up to 1105. After 1119 Gregory himself wrote almost all of the second half, concluding with Henry V's great privilege of 1118.²³ He also wrote a prologue dedicated to Berald III explaining his reasons for writing the chronicle. Not unlike Thucydides, he stated that he wanted the history of the law, property, and rights of the monastery to serve as a guide for Farfa's future leaders.²⁴ Gregory's selection and evaluation of the material reveals much

²¹ Ms. Farfa 2, Biblioteca Nazionale Vittorio Emanuele, Rome; ed. Giuseppe Zucchetti, *Liber largitorius vel notarius monasterii Pharphensis*, 2 vols. (Rome 1913–1932). Gregory transcribed the documents until his own time, and Todinus resumed the task c. 1125, adding c. 70 folios both of older and contemporary texts. McClendon, *The Imperial Abbey of Farfa*, pp. 1–2; Zielinski, *Studien*, pp. 17, 99–103.

²² For the full citation of the *Chronicon* see n. 13 above; Karl Heinzelmann, *Die Farfenser Streitschriften* (Strassburg, 1904), pp. 9–10.

²³ Heinzelmann (*Streitschriften*, pp. 9–10) points out that the end of the first part, the report over the administration of Berald III until 1105, is written by an unknown writer except for one place—line 20, p. 235 to line 8, p. 236, that is written by another unknown writer. After 1119 Gregory continues in his own hand except for one break—line 20, p. 258—line 20, p. 260 that was written in another hand.

²⁴ *Chron.* 1, pp. 109–118; p. 113: “ita hunc cartularum tertium librum studuimus breuiare, et de ampliori fonte in breviori locello aquam laboravimus puriorem transferre ut lectus et relectus sine tedio hic liber et frequentius, magnam sollertiam utillimamque cautelam praebere valeat eo utentibus, et notitiam bonorum omnium huius monasterii administret, praesentibus posterisque rectoribus fastidio magnae

about his own ideals and about the attitudes of the senior, more aristocratic monks with whom he identified.

One section, transcribed for the most part by an unidentified scribe, is known as the *Liber Beraldi* (Berald III, 1099–1119).²⁵ Almost certainly written by Gregory, it also appears as a separate polemical tract.²⁶ Whether it was written first as a tract and then inserted into the *Chronicon* is still not certain.²⁷ It chronicles a property dispute between Farfa and Counts Oddo and Ottaviano of the Ottaviani branch of the Crescentii family in the Sabina lasting from 1103–1105.

When the first arbitration proceedings set up to adjudicate the dispute failed to reach a resolution, a second was instated. Here the counts mounted a revolutionary defense based upon the Donation of Constantine, a forgery usually appropriated by the papacy to substantiate its rights. By contrast, Farfa mainly eschewed theory, appealing instead to its historic rights. The tribunal has come to be seen as a drama in which the counts functioned as surrogates for the papacy and Farfa for the empire. I shall question whether this hypothesis stands up.

The *Chronicon* and the *Liber Beraldi* edited as a tract also contain

remoto rei, studioque adhibito perfectae utilitatis. in hoc enim inveniuntur antiquissima novaque et verissima huius monasterii libertas, propria iura, defensio summa, custodia utentibus recta.”

²⁵ *Fratris Beraldi, monachi et abbatis monasterii Farfensis, liber; Chron.*, 2, pp. 233–257; another hand wrote line 29, p. 235 to line 8, p. 236. Heinzelmänn, *Streitschriften*, pp. 9–10.

²⁶ Onofrius Panvinus (d. 1568) transcribed the tract in an appendix to lib. IV of “Onuphrii Panvini Veronensis Fratris Eremitae Augustiniana de varia Romani pontificis creatione lib. III–IV,” preserved in Munich, Bavarian Staatsbibliothek, Clm. 148, fols. 186–196. Heinzelmänn edited the Panvinus version; *Streitschriften*, pp. 40–64. A short interruption describing the arbitration proceedings between Farfa and the counts in the *Chronicon* 2 (line 13, p. 240 through line 16, p. 242) is not found in the separate tract. Both Giorgi in his preface to the *Regesto*, n. 2, pp. XXV–XXVI, and Heinzelmänn conclude that Gregory rather than Berald III composed the *Liber*. See n. 1, pp. XXXII–XXXIII of the preface of the *Chronicon* by Balzani.

²⁷ On fol. 185r Panvinus states that he copied “ex antiquissimo et ante CCCC annos scripto libro monasterii Farfensis, in quo omnium eius monasterii abbatum res gestae per singulas aetates referuntur.” Kölzer (*Collectio Farfensis*, n. 2, p. 108) assumes that Panvinus is referring to the *Chronicon*, but Heinzelmänn argues that both the version in the *Chronicon* and that of Panvinus are based upon an earlier lost original. He concludes (pp. 10–12) that the rendition in the *Chronicon* frequently embellished the original tract and that the Panvinus redaction is closer to the original. He believes that it was written earlier, during the Investiture Contest at the beginning of the twelfth century as a statement of the imperial position. *Streitschriften*, pp. 106–107. Kölzer’s argument is more convincing, since Panvinus’ reference to the *res gestae* of abbots appears to refer to the *Chronicon*.

the first copy of one of the two versions of the papal electoral decree promulgated by Nicholas II in 1059.²⁸ This version is almost universally regarded as a forgery, possibly drafted by supporters of Clement III (antipope, 1080 and 1084–1100). But the evidence is still conjectural, and I shall examine other possibilities.

Gregory began his last and shortest book, the *Liber Floriger*, in 1130.²⁹ Its topographical index relating to charters reproduced in Gregory's other books served as a handy reference guide. In the same year that he embarked on this enterprise an eight-year corrosive schism between Innocent II and Anaclet II erupted. The timing may not have been fortuitous, for as usual, Farfa was in the thick of things. On May 15, only three months after the disputed papal elections, Anaclet complained that Farfa had invaded the *regalia* of St. Peter.³⁰ It is presumed that his supporters retaliated in kind, impelling Farfa's abbot, Adenulf, to flee to France with Innocent II.³¹ In the face of Anaclet's challenges the *Liber Floriger* may have been conceived as a quick tool for verifying Farfa's property.

The introduction to the *Liber* is a fascinating mirror of Gregory's views in 1130. Constrained to select only a few key documents and events to sketch in a brief history of Farfa, his choices reveal what he deemed to be the most relevant. Further, since he culled most of his selections from the *Chronicon*, a comparison of those versions with his abbreviated snippets in the *Liber* shows what Gregory thought to be critical for Farfa after it had slipped from imperial patronage. The *Liber* also contains a few excerpts from the collection of canons that he had compiled in the *Regestum*. As with other material, he gleaned what was essential to the situation in 1130 from those canons.³²

²⁸ *Chron.* 2, pp. 245–248.

²⁹ As in n. 16 above.

³⁰ JL 8390, May 15, 1130; Pier Fausto Palumbo, "Lo Scisma del MCXXX (Rome, 1942), Atti di Anacleto II," XXII, pp. 657–658; PL 179:709: "Hoc idem et de abbate Farfensi noveritis factum, qui post mortem beatae memoriae papae Honorii, contempto juramento quod Romanae Ecclesiae fecerat, beati Petri regalia impudenti temeritate invasit, et nunc Dei Ecclesiam persequi, et in quibus potest juvatus furia infestare non cessat." Mary Stroll, *The Jewish Pope: Ideology and Politics in the Papal Schism of 1130* (Leiden, 1987), p. 133 & n. 46.

³¹ PL 179:709: "... Mandamus itaque fraternitati vestrae, et in Domino commo-nemus, ut in beati Petri fidelitate et nostra constantissime persistentes, praedictum Farfensem abbatem Antichristi plantam, ut cruentam bestiam omnimodis insequi sollicitius procuretis, et cornua quibus Romanam Ecclesiam ventilat, in bipenni et ascia succidatis."

³² *Liber Floriger* fols. 26r–31v; ed. Maggi Bei, pp. 36–40.

The *Orthodoxa defensio imperialis* is one of the few important pieces of literature to emerge from Farfa during this period that is not definitely attributable to Gregory.³³ At one time it was assumed that he wrote this tract, but now there is surety only that it was written by someone from Farfa. It deals with the issues raised by Henry V's capture and incarceration of Paschal II and most of his cardinals in two of Farfa's fortresses in February 1111. More directly polemical than the *Liber Beraldi*, it speaks to issues addressed a few months later by the papal apologist, Placidus of Nonantola, in the *Liber de honore ecclesiae*.³⁴

While Placidus criticized imperial investitures of ecclesiastical prelates, the *Orthodoxa defensio* defended them. Its author saw Gregory VII and Paschal II as aggressors not only against the empire, but also against Farfa as they attempted to assert a real papal authority over the Patrimony. To him the actions of both the abbot of Farfa and the emperor in 1111 were justified in the face of these provocations. His learned and analytical arguments constitute a sober, but sharp defense of the imperial position.

From a fresh appraisal of these and other sources I hope to arrive at deeper insights into the social and political developments at Farfa

³³ The *Orthodoxa Defensio* was first published by Ignazio Giorgi, "Il Regesto di Farfa e le altre opere di Gregorio di Catino," Appendice III, "La *Orthodoxa Defensio Imperialis*," *Archivio della R. Società Romana di Storia Patria* 2 (1879), 409–473; more recently it was edited by Lotharius de Heinemann, Gregorii Catinensis Monachi Farfensis, *Orthodoxa defensio imperialis*, MGH LdL 2:534–542. There is only one manuscript, Cod. Casanatense bibl. D XIII, 16 saec. XV, fols. 1–10; At one time the general opinion held that Gregory of Catino composed the *Orthodoxa Defensio*, but see Ugo Balzani's reservations in his preface to the *Chronicon* 1, pp. XXXIV–XXXV. Heinzelmann (*Streitschriften* pp. 113–120) is emphatic that Gregory is not the author of the *Defensio*.

Theo Kölzer (*Collectio Farfensi*, p. 108 & n. 1) points out that Gregory used the collection of canon law embedded in the *Regestum* in writings definitely attributable to him, but that the *Orthodoxa defensio* did not use it; it used *The Collection in 5 Books*. This omission may be evidence that Gregory did not write the *Orthodoxa Defensio*.

³⁴ MGH LdL 2:566–639; e.g. pp. 599, 602 for references to the *Orthodoxa Defensio imperialis*; Jörg W. Busch, *Der Liber de Honore Ecclesiae des Placidus von Nonantola: Eine kanonistische Problemerkörterung aus dem Jahre 1111: Die Arbeitsweise ihres Autors und seine Vorlagen* (Sigmaringen, 1990). Busch (pp. 10–11) reasons that the *Orthodoxa defensio* was written during the summer of 1111, and that the *Liber* was written between that time and March 1112. See also Karl F. Morrison, *Tradition and Authority in the Western Church 300–1140* (Princeton, 1969), pp. 331–332; Stanley Chodorow, *Christian Political Theory and Church Politics in the Mid-Twelfth Century: The Ecclesiology of Gratian's Decretum* (Berkeley, Los Angeles, London, 1972), pp. 151–152; Robert L. Benson, *The Bishop-Elect: A Study in Medieval Ecclesiastical Office* (Princeton, 1968), pp. 248–250.

and in Latium. This case study will illuminate the great issues affecting Western Christendom, for as an imperial monastery in the Patrimony, a day's journey from Rome, Farfa played a unique and critical role in the contention between *regnum* and *sacerdotium*. The period has been conceived of as the age of reform, or in its beginning phases as the investiture contest. These concepts encapsulate only part of what has more aptly been described as the struggle to work out the right order between *regnum* and *sacerdotium*.

Ecclesiastical reform was, indeed, a major theme, for the church was attempting to reform itself internally, and also to free itself from imperial tutelage. But at the same time the papacy was striving to establish itself as the ultimate authority in both the ecclesiastical and secular spheres. The empire did not oppose the attempt of the church to purify itself, and indeed, it was anxious to help, but it did not wish to relinquish its authority over the church. The two institutions were so deeply intertwined that unless prelates were willing to give up their military and governmental prerogatives, the emperor believed that he would lose control of the empire.

Farfa was a key player in the maneuvering between these two major forces, and at times it was the object of their ambitions. Its records reveal the waxing and waning of its own power, and mine a rich vein for understanding the more cosmic shifts. Among other revelations, they show how theoretical positions played out in the real world, or conversely, how theory, law, and propaganda were contrived to justify given actions or positions. No scholar has undertaken a comprehensive examination of Farfa from this perspective. I hope that my research and analysis not only will fill the void, but will bear rich fruit as well.

To place Farfa's involvement in context, I shall first sketch in the most salient features of its history. After a brief summary of early developments I shall focus more sharply on the reign of Nicholas II, and inquire why one version of his papal electoral decree appears for the first time in the *Chronicon*. Hildebrand was one of the key figures during this period. As an advisor to popes, and then as pope himself, he led the church in crystallizing a new, more monarchical conception of the papacy, especially as it related to the empire. We shall see that his relationship with Farfa evolved from benign benevolence to confrontation as his conflict with Henry IV intensified.

By the end of the eleventh century, alignments and positions were more precisely drawn. The tribunals of 1103–1105 set up to arbi-

trate the property dispute between Farfa and the Ottaviani must be seen in this new context. The arguments and issues raised there far transcended the local dispute, and elicited the theoretical justification for claims of secular authority of both *regnum* and *sacerdotium*. The positions taken by the two sides will reverberate in the upheavals of 1111, when Farfa will be pressed to justify actions that appeared as an outrage to most churchmen. The next upheaval will be its own, as a disputed abbatial election leads to the replacement of imperial patronage with papal *defensio* following the Concordat of Worms.

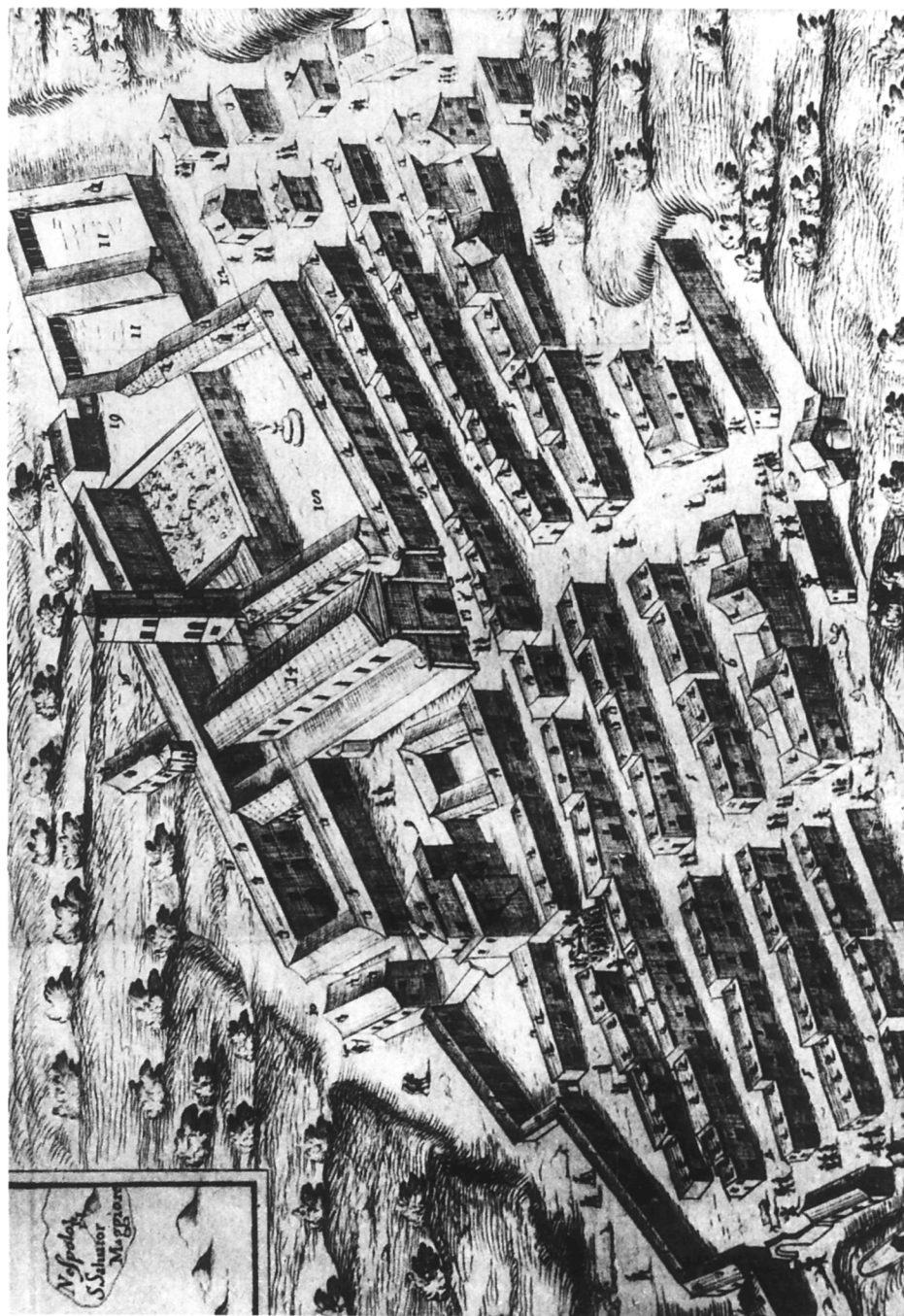
Emerging out of the slough of despond created by the papal schism of 1130, Farfa will enjoy a brief flowering as its abbot becomes a mainstay of the papacy, and acts in the international arena. But when the contest between *regnum* and *sacerdotium* again intensifies in the mid-twelfth century, Frederick I will try to reclaim the imperial rights of old. As we shall see, his efforts will be a mere blip on the curve drawing a much diminished Farfa inexorably into the papal orbit.

From the time that Henry III imposed a beneficent, but heavy hand over the church in the mid-eleventh century to the time that Frederick I attempted to recreate imperial grandeur in the mid-twelfth, Farfa still mattered. As a monastic Methuselah it had witnessed every major perturbation in the adjustment of Christianity to secular society. Its involvement illuminates these grand themes, but its actions in local affairs also create a vivid picture of one monastery's efforts to counter papal expansion. Let us see how this ancient cell in the Sabina evolved into one of the most powerful monastic institutions in Western Europe.

ILLUSTRATIONS (1-4)
AND
MAPS (1-2)



1. Barb. Lat. 4291. Watercolor of the abbey of Farfa (17th century). Courtesy of the Biblioteca Apostolica Vaticana.



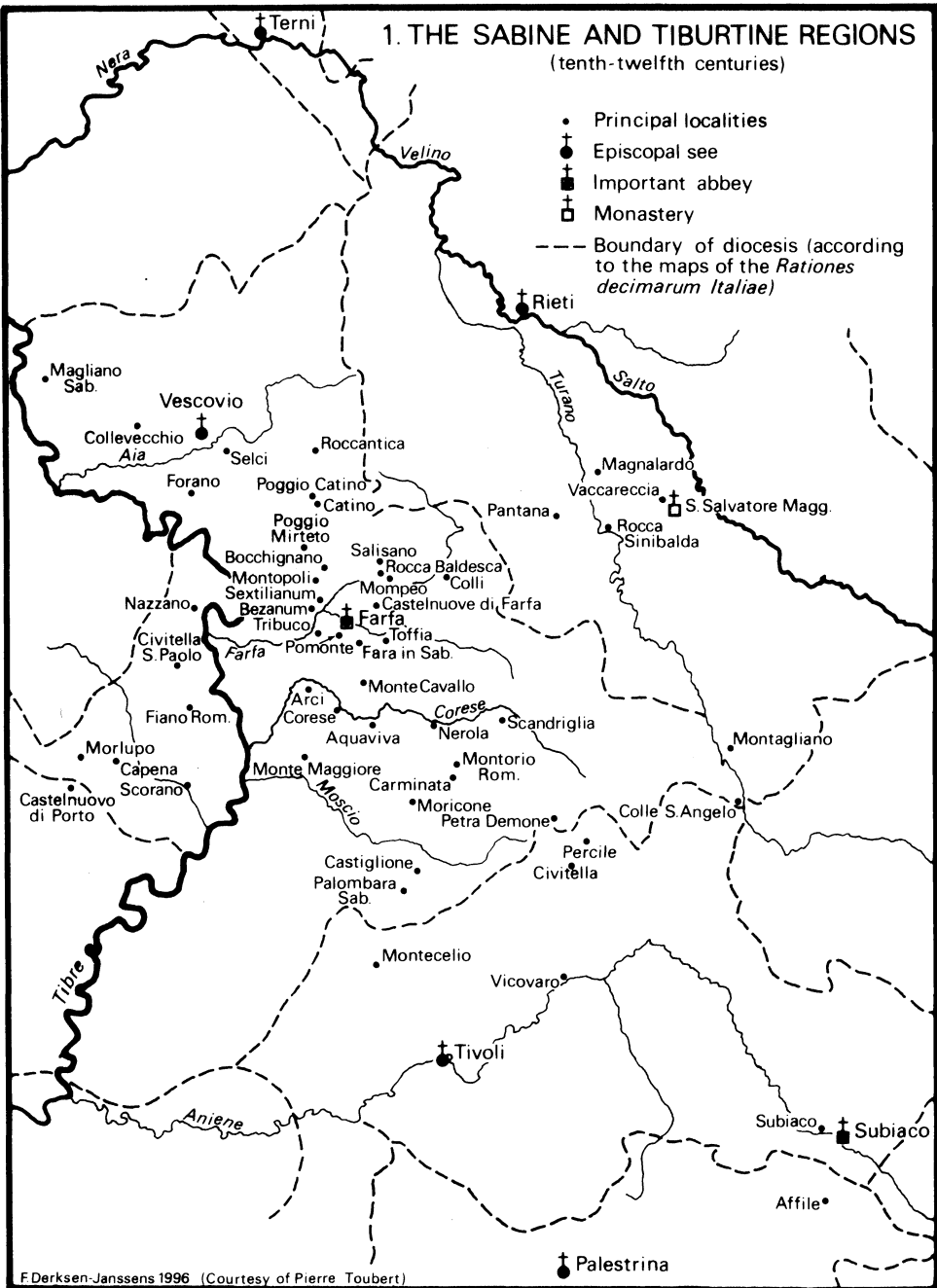
2. Farfa in the seventeenth century. Courtesy of the British School in Rome.



3. Farfa today.

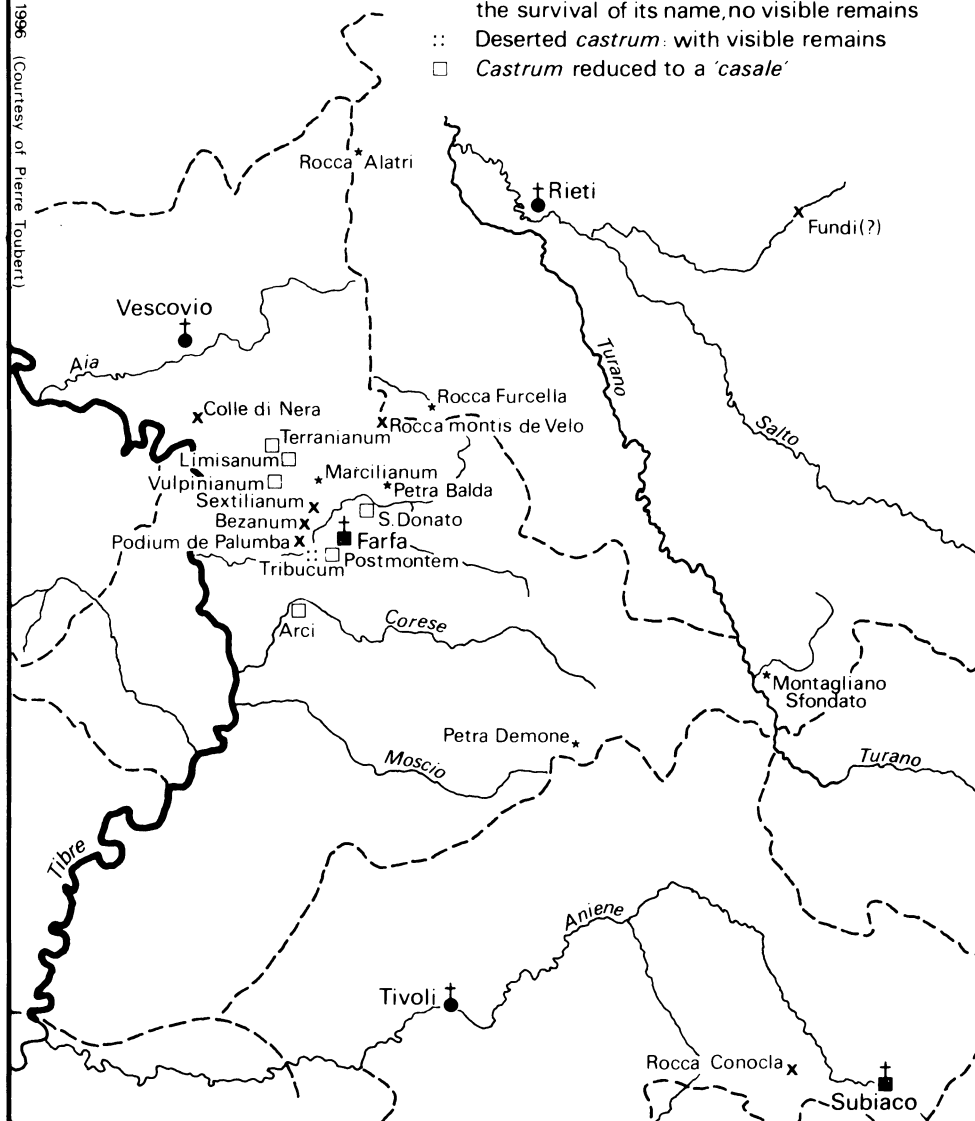
1. THE SABINE AND TIBURTINE REGIONS

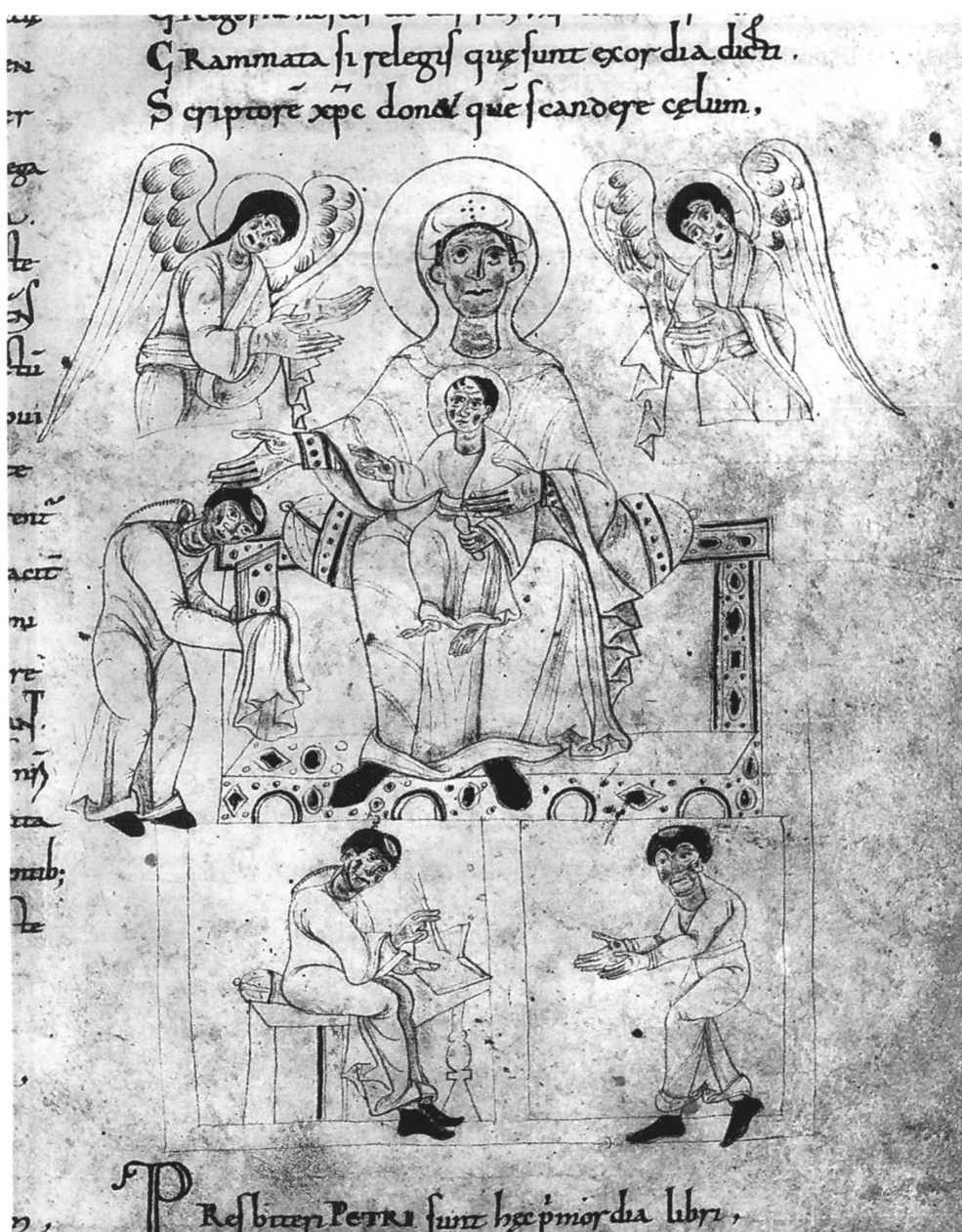
(tenth-twelfth centuries)



2. CASTRA OF THE SABINE AND TIBURTINE REGIONS, DESERTED BEFORE THE THIRTEENTH CENTURY

- x Deserted *castrum*: existence certain but location approximative
- * Deserted *castrum*: existence known from the survival of its name, no visible remains
- :: Deserted *castrum*: with visible remains
- *Castrum* reduced to a 'casale'





Vat. Lat. 8487, fol. 12r. Presentation, *Regestum Farfense*. Courtesy of the Biblioteca Apostolica Vaticana.

CHAPTER ONE

FROM A CELL TO A MONASTIC GIANT

The Sabina comprised the northeastern section of ancient Latium. Lying in its southern quadrant on the right bank of the river Farfa at its confluence with the Tiber, the monastery was only about fifty miles from Rome.¹ Before its name became identified with the river in the tenth century, Farfa was known simply as Santa Maria, or “in fundo Acutiano,” referring to its location on the slopes of Mount Acutiano. Possibly built on the ruins of an old temple, its legendary origins arise out of the mists of the life of Lawrence of Syria, in the fourth or fifth century according to Gregory of Catino, but more probably in the sixth according to modern estimates. By the ninth century its only rival in size and eminence in Italy was Nonantola, and by the mid-eleventh, Montecassino. By then it constituted a virtual principedom with possessions spread throughout Italy.

But its progression was not ever upward. Destroyed during the period of invasions at the end of the Roman Empire, it was rebuilt in the late seventh century by Thomas of Maurienne, who had arrived on the site of the ruins from the Savoy. It was at this point that a Lombard connection was established that would distinguish Farfa from institutions that functioned under Roman law. Faroaldus II, duke of the Lombard Duchy of Spoleto, took an interest in the new structure that Thomas and his cohorts had built. He requested rights of patronage over Farfa from John VII, who granted his request in 705 in return for papal rights of consecration. This sharing of authority between the papacy and secular powers would become Farfa's hallmark.

Pepin the Short, Charlemagne's father, defeated the Lombards in 756. In fulfillment of a promise he had made to Stephen II in return for his own coronation, he handed over most of the former Byzantine Exarchate to the pope. This “Donation of Pepin” was the genesis of claims to a *Terra* or *Patrimonium Sancti Petri*, which by the thirteenth

¹ In the preface to the *Liber Floriger*, pp. 3–44, Gregory of Catino recounts Farfa's remote origins. *Chron.* 1, pp. 121–132, and n. 1, pp. 121–124 for the preface to the *Liber Floriger*, transcribed before the publication of the edition; McClendon, *The Imperial Abbey of Farfa*, pp. 5–16, ns. 35, 36, p. 147.

century would become the Papal State.² The Lombard kings did not recognize this change of sovereignty, but when Charlemagne defeated King Desiderius in 774, the central part of his kingdom fell, and came under Frankish rule. Although the papacy retained possession of the Donation of Pepin, the Franks maintained political and administrative supervision.

During these upheavals the Lombards reached an agreement with Hadrian I allowing Farfa to be subjugated to the papacy, but Charlemagne restored the monastery to the empire.³ In 775 he singled it out as the first Italian abbey to be treated like a Frankish royal abbey.⁴ Like the Frankish abbeys he granted it immunities, prescribing that it be exempt from civil and episcopal jurisdiction and from taxation.⁵ In keeping with his policy of using the Benedictines as a unifying force, he stated that the monks should elect their abbots according to the Benedictine *Rule* without outside interference.⁶ Five days later he issued a decree informing all concerned of Farfa's rights.⁷

² Toubert says that one cannot speak of a papal state until the thirteenth century, but that before that time the papacy made vague claims to a *terra sancti Petri*, roughly coinciding with Latium. *Les Structures* 2, p. 937.

³ *Liber Floriger*, pp. 14–16; Kehr, *Italia Pontificia* 2 *Latium*, p. 9; see also p. 57.

⁴ MGH *Diplomata Karolinorum* 1:141–142 at p. 141; May 24, 775: "... missa petitione claementiae regni nostri dixit suggerendo, ut pro mercedis nostrae augmento taliter ei vel ipsi monasterio concedere deberemus, qualiter ipsa casa dei sub tali privilegio esse deberet sicut caetera monasteria Lirinensium, Agaunensium et Luxoviensium... sed ipsa casa dei, sicut suprascripta monasteria, quae infra regna nostra sunt, sub eo privilegio et norma patrum consistat." Gregory of Catino quotes extensively from this diploma. *Liber Floriger*, p. 15.

⁵ *Ibid.*, 141–142: "Praecipientes ergo iubemus, ut nullus episcopus abbas dux castaldius vel quislibet de fidelibus nostris seu iuniores aut successores vestri praedictum abbatem nec monachos suos vel agentes ipsius aecclisiae de rebus prefati monasterii, quae ibidem ex munificentia regum aut reginarum vel de collatis populi seu pontificum vel quae ad ipsum monasterium pervenerunt aut inantea deo adiuvante largitae fuerint tam per venditionis quam et donationis cessionis vel reliqua instrumenta cartarum, inquietare aut contra rationis ordinem vel quoquo tempore [calumniam] generare presumatis, sed sub nostro privilegio quieto ordine resideant. Et ut haec preceptio nostris et futuris temporibus firmior habeatur vel per tempora melius conservetur, manu nostra propria subter firmavimus vel de anulo nostro sigillare iussimus." *Chron.* 1, pp. 161–162; *Regesto* 2, #128, pp. 108–109.

⁶ *Ibid.*, "Et si quandoquidem abbas ipsius monasterii de hac luce migraverit, inter se ipsi monachi, quem digniorem invenerint, secundum regulam sancti Benedicti et sicut eorum ordo edocet et rectum est, vel eis in unum consentientibus, quem unanimiter elegerint, licentiam habeant eligendi abbatem; et neque a nobis neque a successoribus regibus ea, quae pro mercede nostra indulsumus, irruptum aut confractum aliquando sit, sed de proprio valeant semper gaudere patrono, quatinus melius delectet ipsam congregationem sanctae Mariae pro nobis vel stabilitate regni nostri domini misericordiam attentius deprecare." *Liber Floriger*, pp. 15–16, & n. 39 for sources.

⁷ *Ibid.*, 142–143, May 29, 775: "Karolus gratia dei rex Francorum et Langobar-

The privilege represents a serious attempt to use Farfa to integrate the newly-won Lombard territory into the Frankish kingdom. It is indicative that the next three abbots were Frankish, and that Charlemagne followed these first privileges with many others.⁸ Farfa's status under the empire would endure until the twelfth century. Having weathered adversity to the point of extinction, it would hold first place among Italian monasteries in power, riches and other worldly attributes.⁹

Charlemagne's privilege emphasized the vagueness of the papacy's authority. The papacy believed that Farfa's immunities did not preclude its jurisdiction over the Sabina as a part of the Patrimonium,

dorum atque patricius Romanorum omnibus episcopis abbatibus ducibus castaldiis domesticis iudicibus vicariis centenariis vel omnibus missis nostris discurrentibus tam presentibus quam et futuris . . . [at the suggestion of Probatas] ut tale beneficium circa ipsum sanctum locum concessissemus, ut sub integra emunitate ipsum monasterium esset, sicut et caetera monasteria, quae infra regna nostra constructa esse videntur, consistunt, ut in curtibus vel villis seu cellulis vel quibuslibet locis et rebus, quae ex bonorum hominum largitate ibidem datae sunt, quae ad ipsam casam dei aspiciunt, nullus iudex publicus ad causas audiendum vel fraeda undique exigendum vel homines ipsius monasterii distringendum seu mansiones aut paratas faciendum nec fideiussores tollendum nec ullam reddibutionem requirendum iudiciaria potestas ibidem quoquo tempore ingredi nec exactare penitus presumatis. Propterea hanc emunitatem conscribere iussimus, per quam specialiter decernimus ordinandum, precipientes enim iubemus, ut nullus quislibet de vobis neque de iunioribus vestris amodo et deinceps, ut diximus, in villis vel curtibus seu quibuslibet locis vel rebus sanctae Mariae infra regna deo propitio nostra nemo ex iudiciaria potestate ibidem ad causas audiendum nec fraeda undique exigendum seu mansiones aut paratas faciendum neque homines ipsius monasterii distringendum nullo unquam tempore ingredi nec exactare penitus presumatis, sed sub emunitatis nomine cum omni fredo concesso valeant omni tempore rectores ipsius monasterii hominesque eorum quieti vivere vel residere, quatinus ea, quae pro mercede nostra indulsumus, in luminaribus ipsius aecclesiae vel stipendiis monachorum ibidem perpetualiter proficiant." *Regesto* 2, #127, pp. 107–108; There are many variants in the *Regestum*.

⁸ Other actions of Charlemagne recorded in the *Diplomata*: confirms some possessions and privileges, June 9, 776; *Dipl.* pp. 156–157; *Regesto* 2, #134, pp. 112–113; confirms church and property of St. Machail in Rieti, contested by Duke Hildebrand, to Farfa, Aug. 18, 782; *Dipl.* pp. 198–199; *Regesto* 2, #139, pp. 117–118; confirms property donated by Duke Hildebrand, March 28, 788; *Dipl.* p. 217; charter of Hildebrand, *Regesto* 2, #144, pp. 121–122; confirms the property donated by Hilderic, his mother and his wife, Aug., 791, *Dipl.* pp. 229–230; *Regesto* 2, #162, p. 135; confirms to Farfa the possessions existing under its protection, June 13, 803, *Dipl.* pp. 267–268; *Regesto* 2, #173, pp. 143–144; this time Charlemagne used his imperial title, "augustus;" Franz J. Felten, "Zur Geschichte der Kloster Farfa und S. Vincenzo al Volturno im achten Jahrhundert," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 62 (1982), 1–58; McClendon, *The Imperial Abbey of Farfa*, p. 6 & n. 42.

⁹ Kehr, *Italia Pontificia* 2 *Latium*, p. 57: "sicque monasterium Farfense sub protectione imperatorum remansit usque ad saec. XII, et potentia, divitiis, amplitudine aliisque praerogativis primum fere inter Italiae abbatias locum obtinuit."

but in fact, Farfa's position made it virtually impossible for the papacy to establish a territorial hegemony.¹⁰ Moreover, even though its claims to a Patrimonium went back to Gregory I, they may not have been generally recognized at this time.¹¹ Until the tenth century documents in the Sabina were not dated in the name of the pope.¹² Caught between the Frankish concept of the personality of the law, and the Roman concept of territoriality, jurisdiction in the Sabina was murky.

After the Frankish victory over the Lombards, popes appointed *duces* to administer their lands. Charlemagne later sent legates, who appointed magistrates to take over the functions of the *duces* in each city. When Leo III objected, the dispute was resolved in his favor, allowing popes to continue to appoint *duces* and *judices* throughout the ninth century. Although Charlemagne's successors did not cease to reinforce Farfa's independence, they also sanctioned papal authority in the Sabina. For example, on August 4, 815, Louis the Pious confirmed Farfa's status directly under the empire, but then on June 24, 817, in the *Ludovicianum*, he expressly assured the papacy of a *ius disponendi* over the Donation of Pepin.¹³

¹⁰ *Die Kanonessammlung des Kardinals Deusdedit*, compiled between May 9 & September 16, 1087; Lib. III, c. 190, p. 353: "Item monasterium eiusdem Sublacense et saluatoris apud Reate, et Farfense iuris beati P[etri] sunt, quoniam in eius patrimonio et territorio, ut in sequentibus legitur, sita sunt." Otto Vehse, "Die päpstliche Herrschaft in der Sabina," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, 21 (1929–30), 120–175, at p. 126: "Wenn also mit der Exemption der Abtei und ihrem langobardischen Rechtsbekenntnis theoretisch das Bestehen einer päpstlichen Landherrschaft über die Sabina wohl zu vereinen gewesen wäre, so was das praktische Ergebnis schliesslich doch, dass Farfas Stellung die Hoheit der römischen Kirche über die Landschaft gar nicht zur Entwicklung kommen liess."

¹¹ Kehr, *Italia Pontificia* 2, p. 9: "In territorio Sabinensesi Romanam ecclesiam patrimonium possedissee, ex Gregor I regestis colligitur, ubi mentio fit Urbici, quondam defensoris de patrimonio Sabinensesi . . ."

¹² Herbert Zielinski, *Studien zu den Spoletinischen "Privaturkunden" des 8. Jahrhunderts und ihrer Ueberlieferung im Regestum Farfense* (Tübingen, 1972), p. 4, & n. 25. Zielinski demonstrates that before the tenth century documents were dated in the name of the duke or his officials, and that this situation changed when the Sabina became part of the *patrimonium B. Petri*. "Ein früherer Zeitpunkt der Uebergabe der Sabina an den Papst, wie er in der Forschung teilweise verfochten wurde, lässt sich bei nähere Ueberprüfung des vorhandenen Urkundenmaterials nicht ausreichend begründen."

¹³ *Liber Floriger*, p. 16; *Regesto* 2, #216, an. 815, pp. 175–176, Louis confirms privileges of Charlemagne; *ibid.*, #217, pp. 176–177 for another, more specific privilege including the right of the monks to elect their own abbot according to the *Rule* of St. Benedict; Both privileges were dated August 4, 815. It is not obvious why Louis issued two privileges rather than one. It is interesting to note that in the *Liber Floriger* Gregory of Catino emphasizes what seems to have been only an afterthought con-

Earlier in the same year Farfa had turned to the papacy for help in dealing with aggression against its property. When Stephen IV then demanded the payment of tribute, Farfa's internationally renowned abbot, Ingoald (816–832), protested that the assessment of tribute constituted an infringement of its liberties. After Stephen died Ingoald explained the problem to Paschal I, and showed him diplomas confirming Farfa's liberties. Upon seeing this evidence, Paschal recognized and confirmed Farfa's rights.¹⁴ On April 28, 820 Louis the Pious issued two diplomas again confirming Farfa's privileges. Thereafter for a time the abbey flourished.¹⁵

cerning the progeny of *servi* of Farfa and free women mentioned at the end of #217. *Regesto* 2, p. 177; *Liber Floriger*, p. 16: "Et concessimus etiam eis ut quidquid ex copulatione servorum ipsius monasterii cum liberis feminis secundum legem Langobardorum ad publicum contingere poterat, in helimosina nostra per hoc nostrum confirmetur preceptum." *Chron.* 1, pp. 176–178.

Johann Friedrich Böhrer, *Regesta Imperii* 1 (Innsbruck, 1870), p. 268; Caesare Baronius, *Annales Ecclesiastici* 13 (Luca, 1788), pp. 591–594; In a synod at Aachen Louis I made the following concession to Paschal I and his successors in perpetuity, p. 591: "concedo . . . Necnon & Exarchatum Ravennatensem . . . Eodem modo territorium Sabinense, sicut a genitore nostro Carolo Imperatore B. Petro Apostolo per donationis scriptum concessum est sub integritate, quemadmodum ab Itherio & Macenaro Abbatibus. Missis illius inter idem territorium Sabinense & Reatinum definitum est. . . [the properties] simulque & patrimonium jam dictae Ecclesiae tuae, beate Petre Apostole & per te, Vicario tuo spirituali Patri nostro domno Paschali summo Pontifici & universali Papae, ejusque successoribus usque ad finem saeculi eo modo confirmamus, ut in suo detineant jure principatu, ac ditione. . . ." Johannes Haller, *Das Papsttum: Idee und Wirklichkeit* 2 (Stuttgart, 1951), p. 26: "Der Kirchenstaat erhielt damit den Vorzug voller Selbstregierung unter kaiserlichem Schutz und verbrieft Unabhaengigkeit gegenüber dem italienischen Königreich." Toubert, *Structures* 2, p. 939.

¹⁴ *Liber Floriger*, pp. 18–19. Note the emphasis on "pensionis." [Stephen IV grants a privilege to abbot Ingoald and Farfa] "Ad quod suscipiendum privilegium domnus abbas Ingoaldus deceptus improvise prebuit assensum danda de pensione, iccirco videlicet ut pontificum adminiculum, pensionis occasione, haberet in cunctis huius monasterii negotiis et maxime in rebus recipiendis perditis . . . [but after Stephen IV died] domnus abbas Ingoaldus intimavit hec auribus beatissimi pape Paschalis primi, qui post eum in pontificatu sedit seque fuisse deceptum de danda est pensione confessus atque ostendit ei autenticam huius monasterii libertatem."

Quam idem presul sanctissimus videns et perspicaciter perpendens, privilegium suae auctoritatis eidem domno Ingoaldo et huic monasterio aedidit, in quo nec pensionis nec alicuius tributi mentionem fecit, sed omnium bonorum confirmationem in hoc monasterio permanendam constituit in hunc modum: [confirmation of Paschal I follows] *Regesto* 2, #225, pp. 186–187, kal. Feb., 817; promises that no pope or other person may take away or alienate the goods or property of the monastery, p. 187.

¹⁵ *Regesto* 2, #242, pp. 198–199; *ibid.*, #244, p. 201; see also *Regesto* 2, #247, pp. 204–205, confirms concord reached between the bishop of Spoleto and abbot of Farfa; *ibid.*, #248, pp. 205–206, confirms goods and privileges of Farfa. *Liber Floriger*, p. 17; After citing the privileges of Louis I: "Sequitur: interea monasterium hoc in

However, the issue of jurisdiction arose again when Louis' son, Lothar, arrived in Rome in 823 to be recrowned by Paschal I as the heir presumptive to the imperial title in St. Peter's on Easter, April 5. Ingoald took advantage of the opportunity to complain to Lothar about the abuses of the Roman church. After inspecting the documents that Ingoald submitted, Lothar ordered that the seized property be returned. Further, he decreed that Farfa remain under perpetual immunity, and that its property not be violated.¹⁶

Before departing, Lothar granted Ingoald's request for a ship that could sail both on rivers and on the sea, and he stipulated that no tolls could be exacted on any waters under imperial jurisdiction.¹⁷

rebus temporalibus valde crescebat et per nimium in omnibus bonis abundabant et in ceteris negotiis accumulabant atque ab omnibus incommodis vel pressuris, sive damnis vel lesionibus, seu cuiuslibet illicita contrarietate illud esse liberrimum per omnia censebant."

¹⁶ *Liber Floriger*, 19–20: "... at vero cum pontifices succedentes diversis superingruentibus negotiis preoccupati forent et in nostris decidendis causis suum accommodare auditum nec valerent nec vellent, pensionem quidem exigere volentes, sed plenarias iustitias nequaquam huic monasterio exercere iubentes, sicut ante constituerant venerandi pontifices, Paulus videlicet et Adrianus, magisque detrimenta quam augmenta erga huius monasterii bona inferrent, predictus domnus Ingoaldus abbas auribus Hlotharii imperatoris damna a reipublicae Romanae actionariis Ecclesiae huic monasterio illata indicavit et de pensione quam dare cogeatur sicut inique fuerat suasus intimavit."

Ibid., 20–21 & n. 49 citing Böhmer, *Regesta Imperii* 1, pp. 305–306 who claims that the document was a forgery. "Ingoaldus... asserens suum monasterium ablata pristina libertate sub tributo ac pensione a Romanis pontificibus constrictum multasque possessiones eidem monasterio violenter ablatas. [Ingoald produces documents showing that the Lombard kings had guaranteed Farfa's immunities *omni tempore*. He then produces decrees of Charlemagne and Louis the Pious.] In quibus continebatur qualiter predictum monasterium sub suae defensionis privilegio cunctis diebus permanere decreverunt, sicut cetera monasteria quae in regno ac finibus Francorum consistunt, scilicet ut nulli umquam pontificum, episcoporum, ducum vel cuicumque principum liceat predictum monasterium sub tributo aut quacumque pensione ponere, aut de eo aliquid auferre vel de rebus eidem loco subditis quicquam minuere. Quibus inspectis iustum et rationabile nobis nostrisque optimatibus atque etiam Romanis primatibus visum est ut et priorum regum scripta et maxime domni Karoli atque genitoris nostri domni Hludovici augustorum precepta perpetua stabilitate firmissimum roborem optineant... [decrees] ut iam dictus almus locus sub nostra successorumque nostrorum defensione atque immunitate perpetuis perseveret temporibus atque ad petitionem predicti Ingoaldi... ipsas aliasque res in finibus Sabinensibus vel ubicumque sitas eidem monasterio iuste pertinentes, inconcussa stabilitate ibidem presenti preceptione, nostris futurisque temporibus, sine cuiusquam violentia inquietudine firmas semper constituimus permanere." *Regesto* 2, #272, pp. 224–225; in n. 4 the editors note that the diploma lacks a date; they estimate that it was issued in 829 or 830 when Lothar was in Rome. Louis Duchesne, *Les Premiers Temps de l'État Pontifical* (Paris, 1911), p. 192.

¹⁷ *Regesto* 2, #266, an. 823, pp. 217–218; p. 217: "Cuius petitioni libenter annuimus

Ingoald's request shows that Farfa used sea as well as land routes to communicate with its far-flung property, and to distribute goods ("causa mercimonii discurrendam esse necessariam"). Almost certainly it possessed other ships, and after the disruption of the Arab invasions it used them for defensive as well as economic purposes.¹⁸ After his eventful sojourn in Rome Lothar returned to his father, and reported on the outcome of the hearing and on other events of his visit. Louis then took Farfa under his special protection, and confirmed its property throughout Italy.¹⁹

In the *Liber Floriger* Gregory follows the account of Lothar's visit to Rome with a diploma issued by Lothar on December 15, 840.²⁰ Sichard (832–847), Ingoald's successor, reminded Lothar of the hearing held in Rome in 823 when he was still the emperor-elect in which Paschal had claimed that the abbey belonged *ad ius et dominationem Romane ecclesie*. As in that case, in 840 Lothar ruled that the pope had no dominium over Farfa except for the right of consecration. Farfa, he stated, owed the Roman church neither tribute nor pension, and he commanded that the papacy return all of Farfa's property that it had confiscated.²¹ A document written c. 823–843,

et, ad necessitates memorati monasterii consulendas, unam navim concessimus. Quae ab omni sit imunis teloneo per cuncta flumina nostrae ditionis seu per maritima negotiandi gratia discurrat."

¹⁸ Laura Moscati, *Alle Origini del Comune Romano: Economia Società Istituzioni*, Quaderni di Clio 1 (Naples, 1980), pp. 153–164.

¹⁹ *Liber Floriger*, p. 23: "placuit illi [Louis] non solum idem monasterium rectoresque eius specialiter sub sua successorumque suorum tuitione ac defensione constituere, sicut in precepta domni et avi nostri Caroli augusti continetur . . . sed etiam omnes res, quas presenti tempore predictum monasterium infra Italiam, Tusciam et Romaniam vel in ceteros pagos et territoria iuste et legaliter atque quiete tenet vel possidet . . ." See also *Chron.* 1, pp. 196–197; Haller, *Das Papsttum* 2, pp. 26–27.

²⁰ *Ibid.*, 21–24.

²¹ *Regesto* 2, #282, an. 840, pp. 233–238; pp. 233–234: "... quod praedictum monasterium nullatenus sub iure et dominatione praefatae romanae aecclisiae, uel sub tributo aut pensione esse deberet. Idem domnus apostolicus non solum se recognovit nullum dominium in iure ipsius monasterii se habere, excepta consecratione, sed etiam omnes res tam in territorio sabinensi, quam et in romaniam sitas, quas ex eodem monasterio potestas antecessorum eiusdem paschalis papae, iniuste abstulerat per iussionem ipsius, dante eo mappulam suam aduocato suo supradicto sergio, reuestiuit leonem, qui de parte nostra eiusdemque monasterii aduocatus erat. Et ut ipsa redditio perpetim rata et inuiolate permaneret, misit domnus apostolicus missum suum. . . . Sed memoratus uenerabilis abbas sichardis, quamuis nos eandem genitoris nostri auctoritatem suo consensu ac iussione confirmassemus, deprecatus est celsitudinis nostrae clementiam, ut quia nos diuinae maiestatis dispositio successores illius fecit in imperio, quem et in uita sua consortem iam fecerat, eandem auctoritatem confirmationis nostrae innouaremus, ac sanciremus praecepto . . ." Lothar agrees; long list of

and recorded in the *Chronicon* reveals how negatively Farfa viewed the papacy's policies during this period.²²

After the decree of 840 the papacy ceased to attack Farfa's liberties as long as the Carolingians remained strong in Italy.²³ That state of security lasted only until the end of the century, when their empire collapsed. In 905 the Saracens destroyed Farfa and dispersed its

properties; *Chron.* 1, pp. 198–206; McClendon, *The Imperial Abbey of Farfa*, p. 6 & n. 50; Vehse, "Die päpstliche Herrschaft," p. 127.

Some other privileges of Louis the Pious and Lothar to Farfa; *Regesto* 2, #264, an. 825, pp. 216–217; Lothar confirms a concession made to Farfa by Eugenius II; *ibid.*, #267, an. 822, p. 218, Louis the Pious confirms two judgments made by his missi in favor of Farfa. *ibid.*, #271, an. 829, Louis the Pious and Lothar concede the little monastery of S. Stefano to Farfa; *ibid.*, #272 [277?], an. 832, pp. 229–230, Lothar confirms possession of the monastery of S. Stefano in Lucona; *ibid.*, #287, an. 844, pp. 242–243, Lothar confirms the election of the abbot, Ilderico, and concedes to the monks of Farfa full liberty to elect their abbots in the future.

²² *Chron.* 1, pp. 293–301; p. 293, entitled, "Incipiunt relationes ex autenticis assumptae de praeiudicio quod fecerunt nobis actores sanctae Romanae Aecclesiae in Sabinis" p. 298: "Quidam vero liberi homines donaverunt nobis substantias suas et in hoc monasterio, quas actores sanctae Romanae Ecclesiae abstulerunt. . . . Item res liberorum hominum quae temporibus Longobardorum per cartas huic monasteriae Sanctae Mariae collatae sunt, et nunc ab actoribus sanctae Romanae Ecclesiae definentur. . . . [heading, p. 299] Item relationes de his quae domnus apostolicus nos investivit et actores eius nobis retulerunt. . . . (p. 300) Haec omnia iccirco hic annotare curavimus ut huius sacri coenobii antiquissimas terrarum vel aecclesiarum sive servorum colonorumque possessiones panderemus, ut cunctis intimaremus, nos a sanctae Romanae Aecclesiae actoribus multotiens sustinuisse incommoditates, et non benivolentiam sed potius invidiam, non benignitatem sed contradictionem, non augmentationem sed minorationem, non iudicias sed praeiudicia, non diligentiam sed calumniam, non augmentum sed amplius detrimentum in suis bonis, et hoc perperum fuisse monasterium. verumtamen tamdiu in optimo permansisse statu dignoscitur, donec culpis Christianorum cooperantibus, Panganorum multitudo, idest Agarenorum gens, Hitaliam intravit, ut supra retulimus. sub hac vero tempestate, Petrus [890–919] venerabilis abbas, quem supra memoravimus, religiosius gubernabat hoc monasterium."

²³ Gregory selectively cites several decrees of Louis II, Charles the Bald, and Charles the Fat. *Liber Floriger*, pp. 24–26; The first document he cites is the one he attributes to Louis the Pious in the famous trial of 1103–1105 between Farfa and the Crescentii. See *Chron.* 2, p. 256 & n. 1 citing error; *Liber Floriger*, p. 24, #CCCXVIII, Dec. 1, 857: "Hludovicus etiam filius Hlotharii omnia sicut genitor eius Hlotharius Pertoni abbati et huic monasterio concessit et confirmavit et addidit. . . ."

Regesto 3, #300, pp. 1–6; Louis II confirms all goods, possessions and privileges; p. 1: "Hludovicus gratia dei imperator Augustus. . . . praecepta praedecessorum nostrorum Karoli et Hludovici gloriossimorum imperatorum, in quibus continebatur semper idem monasterium sub plenissimae emunitatis tuitione habuisse. Sed permixte pia recordationis genitoris nostri Hlotharii praestantissimi imperatoris. . . . [p. 6] Insuper et omnia quae . . . quod domnus et bisauus noster pia memoriae Karolus, uel auus noster Hludouicus, atque genitor noster Hlotharius . . . concesserunt et confirmaverunt." cf. *Chron.* 1, pp. 212–219.

Regesto 3, #301, p. 7, an. 857? (Maggi Bei, Nov. 29, 857); Louis II confirms goods

monks. Again, the monastery was rebuilt, and the monks returned from their exodus. The papacy filled the void left by the Carolingians, appointing "Comites Campaniae" that may have governed Farfa during this period.²⁴ But both the papacy and Farfa drifted into a state of decadence and corruption, creating the opportunity for a strong man to take over both institutions.

This man was Alberic II, who styled himself "Princeps atque omnium Romanorum Senator" following a revolution he fomented in 932.²⁵ Between 936–954 he wielded a stern hand over the Patrimonium

given by Petrus, a Lombard; *Liber Floriger* #CCCXVIII, p. 24; *Chron.* 1, p. 219; Both the excerpts in the *Chronicon* and the *Liber Floriger* emphasize procedure in case of controversy. *Liber Floriger*, p. 24: "Si autem aliqua querimonia adversus eos insurrexerit de rebus monasterii mobilibus et immobilibus, quae ibi legaliter non eis visum fuerit posse esse diffinitum nostramque acclamaverint presentiam, comes noster et missi nostri discurrerentes seu ministri rei publice faciant ambas partes in nostram audientiam guadiare."

Regesto 3, #307, an. 872, pp. 11–12; confirmation of Louis II; *Liber Floriger* #CCCXXXV, pp. 25–26; *Chron.* 1, pp. 221–223; *Regesto* 3, #318, pp. 19–20, confirmation of Charles the Bald, December 26, 875; *Chron.* 1, pp. 224–226; *Liber Floriger* #CCCXXXVI, p. 26, which emphasizes the legal component: "Precepit insuper ducibus et comitibus vel missis discurrentibus, ut cum prefatus abbas Iohannes vel monachi aut advocatus huius monasterii in eorum ministeria pro iustitia requirenda venerint, in quorum ducatu vel comitatu hoc coenobium aliquid possidet, defensores atque adiutores existant in omnibus, ipsi et successoribus eius, ut nullius potestatis personam vim aut invasionem aliquam inferre permittant in his quae ad memoratam ecclesiam pertinent."

Giorgio Falco, *Studi sulla Storia del Lazio nel Medioevo*, 2 pts. Miscellanea della Società Romana della Storia Patria XXIV, 1, 2 (Rome, 1988), 2, pp. 399–401.

²⁴ After the diploma of Charles the Fat in 883 (*Regesto* 3, #330, pp. 32–33; *Chron.* 1, p. 229), the next one is by Berengar I, 920, and thereafter Otto I, 967. *Liber Floriger*, pp. 26–27. Berengar had been crowned by John X in 915, and was murdered in 924.

²⁵ G. Arnaldi, "Alberico di Roma," *Dizionario Biografico degli Italiani* 1, pp. 647–656. Arnaldi (p. 650) notes that Alberic annexed the Sabina, and that the first "dux et rector territorii Sabinensis" was the Frank, Ingebaldo, September, 939. The Roman church claimed rights over the Sabina since the eighth century, but Arnaldi says that it seems that before the tenth, the exercise of those rights was limited to the administration of the *patrimonium fondiari* without assuming the character of a political, territorial government. There is no question, he asserts, that the Sabina became an integral part of the Patrimonium only under Alberic. Alberic named his son Ottaviano.

Toubert, *Structures* 2, pp. 974–997; Ferdinand Gregorovius, *History of the City of Rome in the Middle Ages*, tr. from the 4th German ed. by Mrs. Gustavus W. Hamilton, 2nd ed. revised, vol. 3, *A.D. 800–1002*, (London, 1903), pp. 254–275 for Alberic's father; pp. 260–261 for a description of Farfa in the 9th century and its destruction by the Arabs; pp. 292–316 for Alberic; pp. 314–316 for the conditions at Farfa. Haller, *Das Papsttum* 2, pp. 179–210; p. 204; Haller states that under Alberic II the Sabina was subject to Roman rule for the first time. Farfa, which with its vast possessions controlled the best parts of the Sabina, lost its *Reichsummittelbarkeit*. Alberic also reestablished lapsed monasteries under papal control.

and the secular dominium of the papacy, headed by his brother, John XI, whom he held under strict control. As part of a reorganization of the Patrimonium, he directed his attention to the Sabina and Farfa, committing the task of reforming the languishing monastery to Odo, abbot of Cluny.²⁶ At first Odo achieved great success, but his reforms did not last. The Cluniacs fled to Alberic, who in 947 overthrew the dissolute abbot, Campo, and replaced him with Dagobert.²⁷ After five years Dagobert was poisoned, and the monastery returned to its former degenerate state.

After Alberic's death in 954 the monks lost what little outside support they had enjoyed.²⁸ The counts became both powerful and independent until the Ottonians revived the empire at the end of the century. Otto I (962–973) resuscitated Lothar's constitution over the administration of Rome and the Patrimonium, and in 967 he returned Farfa to the imperial fold.²⁹ Otto I was seldom in Rome, however, but Otto III (983–1002), ruling from Rome in imitation of the emperors of old, set papal influence aside and energetically ruled over the abbey beset by so many troubles.³⁰

Toward the end of the reign of Otto III Farfa produced a great abbot. Hugh (998–1039) started off on shaky footing, however, when

²⁶ Bruno Albers, *Consuetudines Farfenses*, vol. 1 of *Consuetudines Monasticae* (Stuttgart & Vienna, 1900), intro., p. 6.

²⁷ Peter Partner, *The Lands of St. Peter: The Papal State in the Middle Ages and the Early Renaissance* (Berkeley, Los Angeles, 1972), p. 85.

²⁸ Vehse, "Die päpstliche Herrschaft," pp. 120–130.

²⁹ *Regesto* 3, #404, Jan. 10, 967, pp. 108–114; p. 114: "Et quandoquidem diuina uocatione praedictus abbas uel successores eius de hac luce migrauerint, quamdiu ipsi monachi inter se tales inuenire potuerint, qui eos secundum regulam sancti benedicti regere ualeant, licentiam habeant eligendi abbatem, qualem meliorem et digniorem inter se inuenerint. Quatinus ipsam sanctam congregationem pro nobis et totius imperii nostri stabilitate attentius domini misericordiam exorare delectet." *Liber Floriger*, p. 27: "et quando abbas huius monasterii migraverit, liceat nobis regulariter electionem de abbate facere."

³⁰ Otto II (973–983) also issued supportive decrees; *Regesto* 3, #406, Feb. 981, pp. 114–116; *ibid.*, #407, May 5, 981, pp. 116–118; Kehr, *Italia Pontificia* 2, p. 9: "Utriusque patrimonii Sabinensis in concilio Ravennae a Iohanne VIII celebrato mentio fit, sed de eisdem duobus patrimoniis in Sabina nullam aliam notitiam habemus. Silvester II denique ad Otonem III imp. litteras misit, ut bona in Sabina sita restitui juberet." McClendon, *The Imperial Abbey of Farfa*, p. 10 & n. 67; confirmation of Otto III, *Regesto* 3, #413, an. 996, pp. 122–124; *ibid.*, #424, an. 998?, pp. 134–135; Otto III places specific property under imperial guarantee; "... nos... monasterium sanctae MARIAE... in nostrae defensionis mundiburdium recepimus, cum praediis illis quae amato fillius guerronis... Si quis igitur hoc mundiburdium sine legali iudicio uoluerit..." another confirmation, *ibid.*, #425, an. 998, pp. 135–137; *Chron.* 1, pp. 344–346; *Liber Floriger*, pp. 27–28.

Otto learned that he had assumed the abbacy without his consent, and even worse, that he had procured it from the pope. Otto deposed Hugh, but upon entreaties of the monks, he soon restored the popular abbot to his office.³¹ Hugh later resigned again, but returned for the last three years of his reign. He first worked in tandem with Otto, and then alone to restore discipline and to improve the abbey's fortunes. With the help of Abbot Odilo of Cluny he succeeded where Alberic II had failed. He was able to institute the customs of Cluny, which his successor, Guido, confirmed. The Constitution, to which succeeding abbots swore obedience, guaranteed participation in elections of abbots to all of the brothers.³²

Farfa again became prosperous, but not without problems. Disputes with the Crescentii and other nobles abounded, and solutions were sought through force as well as litigation. Hugh moved aggressively to defend Farfa's rights and property. For example, in a placitum held in Rome on April 9, 998, he succeeded in having a case against St. Eustachio tried under Lombardic rather than Roman law. Then, in the presence of Otto III and Gregory V, he won the case.³³ The following year he convinced Otto to reverse a decision that the emperor himself had made to the detriment of Farfa.³⁴ In the same year he argued successfully that Otto should exempt Farfa from the obligation of fodrum, an extraordinary tax raised to allay the expenses that an emperor incurred on expeditions to the vicinity.³⁵ Following Otto's death both Henry II and Conrad II confirmed Farfa's privileges.³⁶

Henry III (1039–1056) strongly supported Farfa, but just as with the papacy, he insisted upon his rights of confirmation. His handling of the election of Suppone is a case in point. Suppone was elected abbot

³¹ *Consuetudines Farfenses*, ed., Albers, pt. II., p. 6.

³² *Ibid.*, 141; "Ad ordinandum abbatem III. Primum eligitur ab omni congregatione in praesentia episcopi ejusdem diocesis et senioris, ad quem abbatia pertinet, absque ullo munere vel pecunia, quia 'maledictus qui dat, maleductus qui accipit.' Tunc percepta ab eo donatione et roborata ab omnibus electione, incipit episcopus antiphonam, 'Confirma hoc deus, quod etc.'" *Relatio Constitutionis*, *Chron.* 1, pp. 55–58; Schuster, *Abbazia di Farfa*, pp. 100–101, 132.

³³ *Regesto* 3, #426, an. 998, pp. 137–141; *Chron.* 2, pp. 18–24; *Liber Floriger*, pp. 28–29. The amount of space devoted to the trial in the *Regesto* indicates its importance. I shall describe this case in the following chapter.

³⁴ *Regesto* 3, #429, an. Oct. 999, pp. 143–144; *Chron.* 2, p. 5; *Liber Floriger*, p. 29.

³⁵ *Ibid.*, #431, Sept. 22, 999, p. 145; *Chron.* 2, p. 6; *Liber Floriger*, pp. 29–30.

³⁶ *Ibid.*, #451, an. 1014, p. 164; #525, an. 1019, pp. 234–235; Conrad II, *Regesto* 4, #675, March 28, 1027, pp. 77–79; *Liber Floriger*, pp. 30–31.

in April or May of 1039. The new abbot sent legates to Henry III to confirm his election, but without waiting for them to return, he had himself consecrated by Benedict IX on May 10, 1039, and assumed governance of the abbey. Irritated that Suppone had not come in person, Henry refused to confirm the election.³⁷ Instead, he substituted Almerico, who reigned until the end of 1046 or the beginning of 1047. At this point Suppone returned, and continued in office until his death shortly thereafter.

According to the *Chronicon* Henry himself effected this change in reaction to a plot engineered by the nobles who were unhappy living under the yoke imposed by Almerico. Their opportunity to rid themselves of this burden arose when Henry came to Rome at the end of 1046 or the beginning of 1047. No doubt at Henry's insistence, Almerico had imposed a tax of fodrum on the nobles. Unlike Hugh, Almerico had not been powerful enough to exempt Farfa from that obligation. The nobles put every obstacle in his way, but when their tactics failed, they simply stole most of the money that had been collected. Furious at the tiny amount left, Henry III deposed the weak and unfortunate abbot.³⁸ Almerico seems to have been a humble, pious man, who had enjoyed excellent relations with Gregory VI, but not with his monks and the nobles.³⁹

The balance of power shifted sharply with the election of Berard I in October 1048.⁴⁰ The new abbot showed an amazing talent for interacting with all of the major factions—the emperor, the papacy

³⁷ *Chron.* 2, pp. 106–107: “praelatus [Suppone] vero electione fratrum ad imperatorem mox pro abbazia dirigit huius monasterii legatos. quod factum moleste accepit imperator H[einricus]. et quia imperiali se praesentare vultui electus neglexit, eius electionem sprexit.” Schuster, *Abbazia di Farfa*, p. 183.

³⁸ *Chron.* 2, p. 119: “sed cum nulla ratione cor imperatoris contra eum possent commovere, non multo post collectum magnum per totam abbatiam fodrum, qui Romae ferebant, ut regio consignarent vultui, ex toto fraudarunt et dispergere atque ad nichilum illud deducere curarunt, ut saltim hac incuria animus imperatoris indignaretur, et benivolentia illius circa illum hac de causa offenderetur. Factumque est. itaque eo imperator perviso paucissimo fodro, iratus obstupuit, et se derisum vel contemptum ab eo aestimavit. tunc plurimis comitum et curiae magnatibus imperatoris suadentibus, hanc ab eo abstulit abbatiam, et domnum Supponem quem supra libavimus in ea constituit. Itaque domnus Suppone reordinatus, aegritudine invalescente, non multo post, haud anni scilicet circulo expleto, moritur.”

³⁹ *Regesto* 5, #1239, an. 1045 or 1046, pp. 223–224. Schuster, *Abbazia di Farfa*, pp. 188–189.

⁴⁰ *Chron.* 2, pp. 119–120 for his election; speaking of his investiture on December 26, p. 120: “et ad ultramontanas partes mox missus ad domnum Heinricum imperatorem tertium, a quo abbatae huius accepit corroboracionem investitione . . .”

and the nobility. His election heralded a long period of stability and prosperity, but toward the end of his reign rumblings emerging from Farfa and a resurgent papacy intensified. By 1111 they reached a crescendo when Henry V imprisoned Paschal II in one of Farfa's castles. But before recording the series of events leading to that climax, I will chart some of Farfa's most valuable property in Latium, and describe the rivalries it engendered.

CHAPTER TWO

PROPERTY AND COMPETITION

From its nucleus in the Sabina Farfa extended its influence outward, like rays of light to its admirers, but like the tentacles of an octopus to its critics. Its abbots formed alliances with factions from as far north as Sutri and Viterbo, the staging points for imperial actions in and around Rome, and as far south as Ceprano and Benevento, marking the boundaries of papal authority in the south. Built upon every kind of relationship from imperial alliances to local family ties, these alliances were constantly shifting.

Much of Farfa's power and wealth sprang from direct ownership of property, often located in choice locations. Following Pierre Toubert, a virtual school of scholars has been charting Farfa's property in Latium, the March of Ancona, and Umbria.¹ The possession of *cellae* and *curtes*, and later of *castra*, *fundi*, *vici* and *casalia* shows a primarily agricultural territorial organization.²

Nevertheless, patterns of concentration also show that Farfa's property had strategic importance. For example, an investigation of its property in Umbria reveals that it was frequently located in high places and along rivers.³ It formed a double wedge-shaped line with the point turned toward Rome. The two lines constituted a territorial strip about ten kilometers wide forming a road, by means of

¹ Among them are Maria Teresa Maggi, who summarizes the literature in "Studi Farfense," *Rivista di Storia della Chiesa in Italia* 47 (1993), 559–569; She notes (p. 559) that a *Centro Studi farfensi* has recently been organized by V. Fumagalli; idem, "I possedimenti dell'Abbazia di Farfa in Umbria nei secoli VIII–XII," *Bollettino della Deputazione di Storia Patria per l'Umbria* 91 (1994), 47–86; Letizia Pani Ermini, "L'Abbazia di Farfa," *La Sabina Medievale*, ed. Marina Righetti Tosti Croce, presentazione di A. M. Romanini, intro. Pierre Toubert (Rieti, 1985), pp. 34–59; Tersilio Leggio, "Forme di insediamento in Sabina e nel Reatino nel medioevo. Alcune considerazioni," *Bollettino dell'Istituto storico italiano per il Medio Evo e Archivio muratoriano* 95 (1989), 165–201; G. Sergio, "Lo Sviluppo signorile e l'inquadramento feudale," *La Storia. Il Medioevale* 2 (Torino, 1993), 389–393.

² Ermini, "L'Abbazia di Farfa," p. 34.

³ Maggi, "Studi Farfense," p. 566, asserts that the military character of Farfa's settlements, especially along rivers, is documented by the studies of D. Pacini, "Possedimenti e Chiese farfensi nelle valli picene," *Istituzioni e Società*, pp. 333–425. She also speculates (p. 569) that the quarrels between Farfa and S. Eustachio, discussed below, probably arose because of the property's strategic importance close to the Tiber.

which Farfa attained control of the area. The castles in these settlements were always located at the south of the city facing toward Rome.⁴ Maria Teresa Maggi concludes that in Umbria Farfa created a territorial corridor to defend itself from Rome and from the *Patrimonium S. Petri*.⁵

In addition to property in the Sabina and Rome, it held possessions in Lombardy, the Duchy of Spoleto, the March of Ancona, and in the cities of Ostia, Porto and Corneto along the coast of the Tyrrhenian Sea in Latium. The coastal cities gave it access to salt flats, and some degree of oversight over the critical section of the coastline just above the Tiber.⁶ From there it was in a position to monitor papal escapes into exile and the southern expeditions of sea powers such as Pisa and Genoa.

Some of its property consisted of castles, such as the castle of S. Severa along the coast of northern Latium, but even its churches and abbeys may have been fortified, and accordingly may have had strategic and military importance.⁷ In 1068 Count Gerald II of Galeria donated S. Severa and its church with all of its property and half of the port.⁸ This port was critical for Farfa as an outlet to the sea, and as a bonus it boasted a fishery teeming with tuna. A confirmation to San Paolo fuori le mura reveals that by 1130 Farfa had lost control of S. Severa.⁹

No doubt the value of Farfa's property accounted for the frequent challenges to its rights of possession. Its sources indicate that it generally was able to document ownership, and to win cases brought before tribunals. Among its rivals were the church of S. Eustachio in Rome for possessions in Rome, the monastery of San Paolo fuori le

⁴ Maggi, "I possessi in Umbria," p. 85.

⁵ Ibid., 86; "L'Abbazia crea in Umbria un cordone territoriale per difendersi da Roma e dal *Patrimonium S. Petri*, costituendo l'unico elemento di coordinazione e riferimento per le nascenti forze signorili locali."

⁶ Silvestrelli, *Città*, p. 15. After the destruction of Civitavecchia by the Saracens, Leo IV founded a city for its inhabitants a few miles away called Centocelle, first called Leopoli. In 1072 Sasso, count of Civitas vetula gave half of the castle to Farfa, which already possessed rights in the area at S. Severa and Corneto, stretching as far as Civitavecchia.

⁷ Maggi, "Studi Farfense," p. 569; Maggi states that the possession of the castle of S. Severa gave rise to numerous conflicts with S. Crisogono at Rome.

⁸ *Regesto* 4, #991, p. 371; Moscati, *Alle Origini del Comune Romano*, p. 156; G. Sacchi Lodispoto, "Il Castello di S. Severa nel Medioevo" in *Fatti e Figure del Lazio medievale* (Rome, 1975), p. 85.

⁹ JL 8373; *Bullarium Casinense*, ed. G. Margarini 2 (Todi, 1570), p. 139.

mura for possessions west of the Tiber north of Rome, and Ss. Cosma e Damiano in Mica Aurea (S. Cosimato) for possessions in Corneto.¹⁰

Rome

In Rome Farfa owned property and windmills along the banks of the Tiber, and houses and vineyards on the Via Salaria near the ponte Salario.¹¹ But most of its property lay in the “Scorticlari,” the ninth of Rome’s twelve regions. This region was located in the highly populated Campo Marzio, almost on a straight line from the big bend in the Tiber.¹² It was an impressive quarter filled with houses and grand buildings built into the ruins, and inhabited by *virī nobiles* and *magnifici*.¹³

Farfa’s vast holdings in the heart of Rome centered around the “cella Sanctae Mariae Farfensis.” The exact location of the cella is still a matter of conjecture, but it was in the vicinity of the “campus Agonis,” the present day Piazza Navona, and the *Terme Alessandrine*, extending from the present day Piazza Madama, where the Italian Senate now stands, to the Pantheon.¹⁴ When the Saracens burned

¹⁰ For Farfa in Rome see Étienne Hubert, *Espace Urbain et Habitat à Rome du X^e Siècle à la Fin du XIII^e Siècle* (Rome, 1990); Giuseppina Ghini, “Le Terme Alessandrine nel Campo Marzio,” *Accademia Nazionale dei Lincei*, ser. misc. 3, pt. 4 (Rome, 1988), 120–177; Maria Grazia Fiore Cavaliere, “Le Terme Alessandrine nei secoli X–XI, i Crescenzi e la ‘Cella Farfae,’” *Rivista dell’Istituto nazionale d’archeologia e storia dell’arte*, ser. 3, 1 (1978), 119–145; Isa Lori Sanfilippo, “I possessi romani di Farfa, Montecassino e Subiaco, secoli IX–XII,” *Archivio della Società romana di storia patria* 103 (1980), 13–39, esp. 14–21; R. Manselli, “De la Rome impériale à la Rome papale: l’évolution et la transformation du Champ de Mars,” *Le Palais Farnèse* (Rome, 1981), vol. 1/1, pp. 37–61, esp. 48–51; idem, “Dalla cella farfense a San Luigi de’ Francesi: storia di un angolo di Roma,” *Les Fondations nationales dans la Rome pontificale* (Colloque École française de Rome-Académie de France à Rome, mai 1978) (Rome, 1981), (Collection de l’EFR 52), pp. 75–81.

¹¹ *Liber Floriger*, pp. 292–296 for Farfa’s possessions in Rome in 1130; e.g., p. 292: “De molino ad Captum Secuta et de terra iuxta illud usque in viam publicam et medietatem aquae fluminis Tyberis portionem Iohannis primicerii sedis apostolicae. A 1^o latere murus antiquus. Ab alio latere medietas aquae fluminis.” *Archangelus de Alexandris*, fol. 59v [1012] “. . . Leo de Maximis . . . Donavit Monasterio Farfensi, molendinum situm in Flumine Tiberis ad Campum Secutum; et is locus est S. Spiritus in Saxia Romae. . . eodem anno de uigesima Aprilis Joannes primicerius sedis Apostolicae, et ipse dedit alterum molendinum situm in eodem loco iuxta Campum Secutum.” Lori Sanfilippo, “Possessi romani di Farfa,” pp. 15, 20.

¹² Fiore Cavaliere, “Le Terme,” p. 121.

¹³ Hubert, *Espace Urbain*, p. 290 & n. 82.

¹⁴ Fiore Cavaliere, “Le Terme,” pp. 128–131; Fiore Cavaliere notes that Lanciani

Farfa in 898 a group of refugees established the cella, and monks remained there even after their abbot Ratfredo (934–936) rebuilt the abbey in the Sabina. By the end of the tenth century monks of Farfa were firmly ensconced in the *Terme*, where they possessed three churches—Santa Maria, San Benedetto and the oratorio of San Salvatore. A bull of Otto III in 998 confirms this property.¹⁵ When they ceded their property to the French in 1480, Santa Maria became S. Luigi dei Francesi. Farfa also had authority over property in Rome occupied by one of its dependents, the monastery of S. Andrea of Monte Soratte. Located in the campus Agonis, the church of S. Andrea enlarged Farfa's already considerable base there.¹⁶

In the tenth century Farfa leased many of its buildings in the Scorticlari to tenants, but it had difficulty in retrieving them. Gregory of Catino states that the abbey eventually reconciled itself to the loss of much of this property.¹⁷ However, at the beginning of the eleventh century Abbot Guido succeeded in recovering many of Farfa's holdings, and even in expanding them. For example, in 1013 he acquired a magnificent house in the Campo Marzio near the *terme Alessandrine* in return for ten pounds of silver. It was built into ruins, with ancient walls, and flanked by two marble columns.¹⁸ The transaction was executed in the presence of Crescentius, described as a *nobilis vir*.

(*Forma Urbis*) puts the cella in the S.W. corner of the *Terme*, corresponding to the center of the palazzo Madama. Fiore Sanfilippo observes that the habitations of the monks would be a long way from its churches of S. Maria and S. Benedetto, and from the oratorio del Salvatore. The latter is frequently cited as co-property with laymen, presumably the Crescentii. Her theory is that the cella was at the side of the churches of S. Maria and S. Benedetto, forming a conjunction between the two.

¹⁵ *Regesto* 3, #425, pp. 135–137; p. 136: "Aecclesiam sanctae MARIAE et sancti benedicti intra ciuitatem romanam in loco qui dicitur scorticlaro cum scriptis (sic) et earum pertinentiis." *ibid.*, 5 #1026, an. 1079 pp. 29–30 for a donation to the church of S. Maria; p. 29: "Ego . . . dono et . . . trado . . . uobis, domne columbane et azo monachi, et rectoribus uenerabilis ecclesiae sanctae MARIAE pharphensis, ad opus et proprietatem ipsius uestrae praedictae aecclesiae." Fiore Cavaliere, "Le Terme," p. 121.

¹⁶ Fiore Cavaliere, "Le Terme," p. 128.

¹⁷ *Chron.* 1, p. 248: "De rebus perditis huius monasterii Sanctae Mariae. Infra Romam, terram et Campum Agonis cum casis, hortis et criptis quas tenent Stephanus presbyter et Stephanian Leonis Curta Braca et Picco cum fratribus suis et confratribus, sine ullo scripto." Gregory goes on to cite property lost outside of Rome in such places as Porto, Ostia, and the county of Rieti; Lori Sanfilippo, "Possessi romani di Farfa," p. 17.

¹⁸ *Regesto* 4, #667, pp. 68–69 at p. 69: "Positam romae, regione nona in scorticlari, iuxta thermas quae uocantur alexandrinae." See n. 10 above; Hubert, *Espace Urbain*, pp. 81–82.

Crescentius was a scion of the family with which Farfa jousted at times in the Sabina as well as in Rome.¹⁹ As exponents of the Romano-Byzantine party the Crescentii acted as a counterweight to Farfa representing the Lombardo-imperial tradition. In what must have been an uneasy coexistence, they were nestled side by side in the *terme Alessandrine*. The Crescentii were ensconced in the east, and Farfa in the west. During the tenth and eleventh centuries the *terme* appear to have been transformed into a unified fortress. The Crescentii held a commanding position, occupying the left tower that controlled the principal entrance.²⁰ With their tower they could regulate access to the consecrated and fortified places within the *terme* as well as watching over the route between the Lateran and St. Peter's.²¹ From the end of the eleventh century the fortress gradually was dismantled, and fell into isolated ruins.²²

Farfa and the Crescentii were not unique in adopting monumental classical ruins to serve as fortifications, and indeed, if they were to maintain themselves in Rome, they probably had no alternative. Just as in the late eleventh and twelfth centuries the fortifications in the Teatro Marcello served the Pierleoni, and those around the arch of Titus, the Frangipani, so also the fortress carved out of the *terme* served both Farfa and the Crescentii. In addition to the tower, the Crescentii owned many houses in the area. The possession of so much property in this relatively rich and densely-populated location reflected the family's dominance of Rome and its institutions. Members of the

¹⁹ For the relationship between the Crescentii and Farfa in the Sabina see chapter 5.

²⁰ Fiore Cavaliere, "Le terme," pp. 121, 135–136.

²¹ Lori Sanfillipo, "I Possessi romani di Farfa," p. 15; for its position regarding papal processions see the donation of the priests of S. Eustachio, an. 1017, *Regesto* 3, #506, pp. 216–218 at pp. 217–218: "Similiter et recepimus a te medietatem in integrum de oratorio quod est in honore sancti symeonis cum terra iuxta eam, quanta ad iam dictam medietatem praefati oratorij pertinere dinoscitur, atque terrae uocantis petium unum in integrum, quod est in omni fronte longe lateque pedes numero xxx cum introitu et exitu earum per uiam communem quae est pergens ad uiam pontificalem euntium ad beatum petrum apostolum et omnibus earum pertinentiis, positas romae regione nona in scorticlari inter hos fines."

In a charter recording a sale of property to Farfa, there is an interesting reference to fortifications not transferred to Farfa, but made accessible to it. *Regesto* 4, #667, an. 1013, pp. 68–69, p. 69: "Monimina uaero noua et uetusta quae exinde habemus, apud nos nostrosque haeredes reiacent ad conseruanda et salua facienda pro aliis immobilibus locis nostris quae in eis esse et continere uidentur, et pro hoc eas minime tradere potuimus. Sed si tibi tuisque successoribus opus interuenerit, semper eas pro uestra defensione demonstrare atque ostendere promittimus omni in tempore gratis."

²² Ghini, "Le Terme," p. 129.

family held the prefecture, and they also reinvigorated the office of *patricius* that had more or less ceased to function since the reign of Charlemagne.

Some of the disputes between Farfa and St. Eustachio were adjudicated in the presence of Crescentii occupying these offices. But the family did not confine its ambitions to the secular sphere. They also controlled the papacy before the reign of Otto III, and afterward until 1012.²³ Accordingly, Farfa had to confront or accommodate itself to the Crescentii as popes, as political officials, and as holders of fortifications and vast property in its own stronghold.

I have already noted that around 1011 Guido initiated a campaign to retrieve and to expand Farfa's holdings in Rome. His reasons appear to have been political as well as religious and economic. When Berard I became abbot in the middle of the eleventh century, he continued his predecessor's strenuous efforts.²⁴ However, it is not clear how tightly these abbots controlled their Roman property, for while the Crescentii were on the spot, Farfa lay almost fifty miles away. During the years following the expansion, donations were made to the *cella* in Rome as well as to Farfa.²⁵ This fact suggests that the *cella* may have had some independent authority.

Whatever the exact relationship, the connections between the mother abbey and its Roman possessions remained strong through the twelfth century, weakening only in the thirteenth. The monks who lived in the *cella*, and others from Farfa who visited were well positioned to interact with the papal curia, the emperor when he was present, important visiting dignitaries, and members of leading Roman families.²⁶ In a primitive sense, the *cella* may have functioned as Farfa's "embassy" in Rome, a diplomatic presence that would have served the emperors as well. Perhaps with an eye to their own advantage they assured its continuing existence by their repeated confirmations. For example, in a diploma issued from Goslar in 1050 Henry III confirmed Farfa's privileges and goods, including the churches of Santa

²³ Bernhard Schimmelpfennig, *The Papacy* (New York, Oxford, 1992), p. 113.

²⁴ Schuster, *Abbazia di Farfa*, p. 147.

²⁵ E.g., *Regesto* 5, #1026, anno 1079, pp. 29–30; p. 29: "trado . . . uobis, domne columbane et azo monachi, et rectoribus uenerabilis ecclesiae sanctae MARIAE, quae est romae in terma alexandrina, et est cella uenerabilis monasterii sanctae MARIAE pharphensis, ad opus et proprietatem ipsius uestrae praedictae aecclesiae." Lori Sanfilippo, "I Possessi romani di Farfa," n. 38, p. 19 for other references.

²⁶ Ignazio Giorgi, "Appunti intorno ad alcuni manoscritti del *Liber Pontificalis*," *Archivio della R. Società Romana di Storia Patria* 20 (1897), 247–312 at pp. 293–294.

Maria and the Holy Savior.²⁷ As late as 1118 Henry V included the “cella S. Mariae in cripta agonis et ecclesiam S. Benedicti” in his comprehensive confirmation of Farfa’s property.²⁸

But the abbey’s ambitions ran headlong into those of other interests. The church of San Eustachio, lying in the vicinity of Farfa’s holdings, and allegedly protected by the Crescentii, was its chief rival in central Rome.²⁹ In a placitum held on April 9, 998, in the presence of Gregory V and Otto III, Farfa and St. Eustachio aired a dispute over the churches of Santa Maria and St. Benedict. Farfa not only won the case, but succeeded in having it adjudicated on the basis of Lombardic law. The pope offered to lend Farfa a Roman *advocatus*, but Hugh, its abbot, astutely refused the offer, realizing that he would be relinquishing Farfa’s uniqueness. Farfa, he noted, had operated under Lombardic law for more than one hundred years, and he asserted that the practice must continue for it to remain under imperial protection.³⁰ The result of this special position was twofold. It insulated Farfa from papal control, and it made it the obvious choice to be the emperor’s permanent “agenzia diplomatica” in relation to the Roman See.³¹

In 1011 a dispute again arose between Farfa and St. Eustachio over

²⁷ *Regesto* 4, #879, an. 1050, pp. 274–277 at p. 275: “Infra urbem romam: Aecclesiam sanctae MARIAE et sancti saluatoris cum criptis et muris, et cum introitu et exitu illarum. Et campum de agonis.”

²⁸ *Ibid.*, 5, #1318, an. 1118, pp. 302–308 at p. 304: “In roma, cellam s. Mariae in cripta agonis et ecclesiam s. benedicti in loco qui dicitur scorticularus, cum criptis et earum pertinentiis. s. Maria in formello cum omni pertinentia sua et fundis quos leo papa viij bonae recordationis s. Mariae misericorditer contulit.”

²⁹ *Chron.* 2, 18–24; Ghini, “Le Terme,” p. 128.

³⁰ *Regesto* 3, #426, an. 998, pp. 137–141: “duas ecclesiae sanctae Mariae et Sancti Benedicti quae sunt aedificatae in thermis alexandrinis, cum casis, criptis, ortis, terris, cultis et incultis, arcis columnis, et oratorio Salvatoris infra se sitas Romae regione nona in predictis thermis alexandrinis . . .” *Chron.* 2, pp. 18–24: “tunc praefatus abbas ostendit confirmationem factam a Hlothario imperatore, ubi continebatur quomodo diffinitum est ante praesentiam praedicti imperatoris et domni Paschalis papae, quod hoc monasterium sub lege vivere debeat Langobardorum, et sub tali privilegio sicut cetera monasteria regni Francorum . . . et pontificem Romanum nullum dominium in iure ipsius monasterii haberet, excepta consecratione,” *Liber Floriger* pp. 28–29: “Tunc domnus papa voluit dare domno abbati Romanum advocatum; sed domnus abbas noluit illum recipere, quia per centum et eo amplius annos res huius monasterii per legem Langobardorum defensata est, qua propter sub regum vel imperatorum defensione persistere debet. . . . Sicque placitum illud legis Langobardae iudicio fuit diffinitum.” Mariano Armellini, *Le Chiese di Roma dal Secolo IV al XIX*, new ed. Carlo Cecchelli, 2 vols. (Rome, 1942), 2, p. 438.

³¹ Fiore Cavaliere, “Le Terme,” pp. 119–120; Lori Sanfilippo, “I Possessi romani di Farfa,” pp. 17–19.

the same two churches in the *terme Alessandrini*, plus St. Blasius, which the oratorio of San Salvatore had now been named. The oratorio of San Salvatore was originally the private chapel of the Crescentii, and the entrance would have been inside of their palace. When the chapel became the property of Farfa, the entrance was transferred to the outside. This time the placitum was held in the presence of Iohannes [Crescentius], the *patricius*, and Crescentius, the prefect. Farfa's *advocatus iudex* referred back to the judgment in the trial of 998. If the prefect had any bias toward St. Eustachio, he did not let it influence his decision, for he accepted the precedent, and ruled in favor of Farfa.³²

In 1017 yet another dispute with S. Eustachio was brought before Crescentius as prefect.³³ In this case a compromise was worked out, but there was a protest from the outside. Peter, the abbot of S. Elia, objected that his monastery had claims on the lands that Farfa yielded to S. Eustachio. Hugo, the abbot of Farfa, recognized those claims. The priests of S. Eustachio then obtained the charter of *emphiteusi* from Farfa, and sold the property to S. Elia.³⁴

Shortly thereafter in the same year (1017) Farfa and St. Eustachio demonstrated that they could work out their property arrangements amicably. St. Eustachio conceded a house and courtyard to Farfa and received in return a piece of land and half of the oratorio of San Simone.³⁵ In 1012 Farfa litigated a private case concerning forgery over a house in the campus Agonis before the prefect, Crescentius.³⁶ There are also records of other disputes as Farfa acquired valuable property with surrounding gardens and orchards. Even more importantly because of the breakdown of the aqueducts, some of the property contained wells.³⁷ A transaction in 1013 specifically mentions this prized appurtenance. In the presence of Crescentius, Johannes,

³² *Regesto* 4, #616, pp. 13–15; p. 13: “qui reclamauerunt ad domnum iohannem patricium urbis romae, et crescentium gloriosum istius urbis romae praefectum.” *Chron.* 2, p. 88; *Liber Floriger*, p. 31; Fiore Cavaliere, “Le Terme,” p. 132.

³³ *Regesto* 3, #504, pp. 213–215.

³⁴ *Liber Floriger*, p. 293: “Sed et de hoc abbas sancti Heliae litigavit. Cum quo iterum domnus abbas Hugo et finem atque convenientiam fecit ante presentiam Crescentii prefecti.”

³⁵ *Regesto* 3, #506, an. 1017, pp. 216–218. The house was mentioned in #504; see n. 33 above.

³⁶ *Regesto* 4, #658, an. 1012, pp. 56–58, p. 56: “Positas romae regione nona ubi dictur agones;”

³⁷ E.g., *Regesto* 3, #585, an. 1029, pp. 290–291, donation of house in the *Terme Alessandrine* to Farfa; *ibid.*, 4, #657, an. 1011, pp. 54–56; Hubert, *Espace Urbain*, pp. 161, 181–182, 221, n. 24. Lori Sanfilippo, “I Possessi romani di Farfa,” p. 19.

primicarius sanctae apostolicae sedis, commanded that the children of Lambert sell a house including a well near the *terme Alessandrini* to Farfa.³⁸

San Paolo fuori le mura

Outside of Rome much of Farfa's property in the Sabina faced the holdings of the monastery of San Paolo fuori le mura on the other side of the Tiber. Just beyond the walls of Rome on the road leading to the port of Ostia, San Paolo was surrounded by a fortified city named Giovannipoli after the pope responsible for the fortifications. Like the Leonine City surrounding St. Peter's, Giovannipoli was constructed around San Paolo to defend the monks against the onslaughts of Saracens coming up the Tiber. After the Saracens ceased to be a threat, its fortifications became an attraction to others seeking a stronghold. For example, Stefano Corsi and his brothers occupied Giovannipoli in the first years of the twelfth century after Paschal II had torn down their fortified houses.³⁹

Some evidence suggests that from the time of Hildebrand the papacy perceived San Paolo as a potential bulwark against the power of Farfa. Leo IX (1049–1054) transferred the administration of the abbey to Hildebrand when its abbot, Airardo or Einardus, was made bishop of Nantes.⁴⁰ Although Airardo returned from time to time, and seemingly continued to hold the title of abbot, Hildebrand was still in charge in 1070. A plaque commemorating bronze doors he had commissioned in that year states: "Temporibus . . . Domini Hildebrandi venerabili Monachi et Archidiaconi."⁴¹ As the *provisor Apostolicus* his task was to restore the abbey to its former eminence, and to recover its patrimony.

Succeeding beyond all expectations, he gained control of the land and the fortresses on the right bank of the Tiber from the Porta Ostiense

³⁸ Ibid., 4, #667, an. 1013, pp. 68–69, p. 68: "Idest domum unam solaratam, in ruinis positum cum interioribus et superioribus suis a solo terrae et usque ad summum tecti cum scala marmorea et totam in integram curtem circa se ex utraque parte, in qua est puteus aquae uiuae, cum caeteris arboribus pomorum qui ibidem stare uidentur . . ."

³⁹ Schuster, *S. Paolo fuori le mura*, p. 85.

⁴⁰ *Lib. Pont.* 2, p. 275: "cui [Hildebrando] postea ad regendam aecclesiam sancti Pauli tradidit." Schuster, *S. Paolo fuori le mura*, p. 68.

⁴¹ Schuster, op. cit., p. 70.

to the sea. As pope he put the abbey directly under the papacy, and confirmed its extensive properties. In 1081, when he and Henry IV were at loggerheads, and Farfa supported Henry, he granted it an exceptionally long privilege.⁴² This privilege feeds the speculation that popes, starting with Gregory VII tried to form a powerful monastic feudal state as a counterpoint to the stronghold of Farfa under the emperor.⁴³ It has been noticed that many of its lands to the north lay on the right bank of the Tiber opposite the property of Farfa on the left.

Ss. Cosma e Damiano in Mica Aurea

Ss. Cosma e Damiano in Mica Aurea (San Cosimato), located in Trastevere, was under papal protection. There is no proof that the papacy intended that it be a counterweight to Farfa, but the competition between the two monasteries is well documented.⁴⁴ At times they almost seem to have lost their religious moorings as they vied with one another over temporalities for their own benefit, or perhaps for that of their patrons. The main focus of their rivalry was strategic property located in the area of Corneto, built in the ninth century on the site of ancient Tarquinium.⁴⁵ Freed from its dependency

⁴² Basilio Trifone, "Le Carte del monastero di San Paolo di Roma dal secolo XI al XV," *Archivum della R. Società Romana di Storia Patria* 31 (1908), 267-313 at pp. 278-285.

⁴³ Schuster, *S. Paolo fuori le mura*, p. 74. In the dioceses of Nepi and Sutri it controlled a great part of the old territories of Collinense and Capenate with the villages of Leprignano, Civitucola, Nazzano, Fiano, Formello, Morlupa and Vacareccia. It also held possessions in Grossetano, Civitavecchia, Albano, Ariccia, Longhezza, and the domus culta of Galeria. Silvestrelli (*Città*, p. 229): "Questa considerazione ci farebbe concludere che vennero allora donati a S. Paolo, oltre a Nomento e Galeria, quasi tutti i suoi feudi sulla destra del Tevere, a monte di Roma, dove Farfa, che dominava sull'altra sponda del fiume, aveva cercato d'espandersi."

⁴⁴ Pietro Fedele, *Carte del Monastero dei SS. Cosma e Damiano in Mica Aurea*, pt. 1, *Secoli X e XI*, repr. Paola Pavan (Rome, 1981); Theodor Hirschfeld, "Das Gerichtswesen der Stadt Rom vom 8. bis 12. Jahrhundert," *Archiv für Urkundenforschung* 4 (1912), 419-562 at pp. 443, 463 for resolutions of disputes with Ss. Cosma e Damiano.

⁴⁵ *Chron.* 2, pp. 10-18; pp. 10-11: "Contentio igitur quae fuit de cella Sanctae Mariae in Minione inter hoc nostrum monasterium et monasterium Sanctorum Cosmae et Damiani quo ponitur in Mica Aurea ita exorta est ut interius referemus. quam huic operi inseruimus ex autenticis scedantes, ob id maxime, his ut auditis, deinceps caveatur a rectoribus coenobii huius, ne similis proveniat eventus. obsecramus autem omnes seniores qui audituri estis, ut pro Dei amore sanctaeque Mariae servitio diligenter ascultetis atque discrete discernatis si unquam plus iniustam absurdamque litem audistis, quam seniores praedicti monasterii sanctorum Cosmae et Damiani de

on Tuscana on the road to the inland, Corneto became a power in its own right by the twelfth century.

The two Benedictine monasteries frequently clashed over the cella of Santa Maria in Minione, located along the coast in the territory of the Marittima near Corneto and S. Severino. Situated on the river Minione, celebrated since classical times, Santa Maria in Minione was very rich. The river emptied onto the plain of Corneto, and marked the northern limits of the territory of Civitavecchia.⁴⁶ Consolidating this strategic territory controlling the northern sea entry to Rome, in 1072 Count Sasso of Galeria conceded to Farfa half of Civitavecchia with its harbor, rebuilt in 889 after the devastations of the Saracens, and other neighboring property.⁴⁷

As a sign of the importance of Santa Maria in Minione, Gregory of Catino devoted a vast amount of space in the *Regestum* to a description of the conflicts waged between Farfa and Ss. Cosma e Damiano in various tribunals.⁴⁸ In a rare moment when he expressed his own opinion, he admonished the rectors of Farfa to learn from the documents he was presenting in order to guard against similar events. He stated that he had never heard of a more unjust and absurd judicial case.⁴⁹ He emphasized that the monastery of Minione had been under the jurisdiction of Farfa for more than one hundred

hoc fecerunt." Ildelfons Schuster, "Il monastero del Salvatore e gli antichi possedimenti farfense nella Massa Torana," *Archivio della società romana di storia patria*, 41 (1918), 5–58, at p. 20.

⁴⁶ Fedele, *Carte*, p. 20; Archangelus de Alexandris, fol. 41v: "S. Maria in Minione: Constat quippe ex Elonisimorum Regum atque Imperatorum diplomatibus plura subiecta fuisse Abbati Petro Monasteria nempe S. Mariae quod dicitur in Minione prope Cornetum concessum a Carlo Magno."

⁴⁷ *Regesto* 5, #1096, pp. 91–92; Moscati, *Alle Origini del Comune Romano*, p. 155; C. Calisse, *Storia di Civitavecchia* (Florence, 1936), p. 100; G. M. DeRossi, *Torri Costiere del Lazio* (Rome, 1971), p. 31.

⁴⁸ *Regesto* 3, #437, an. 999, pp. 149–151; imperial placitum; rights of Farfa over S. Maria in Minione contested by Gregory of S. Cosimato are recognized; p. 150: "... placuit domno ottoni serenissimo imperatori augusto et illis omnibus uacrum, quia experto et approbato a iudicio iudicum et consilio illorum omnium, quod monasterio sanctae MARIAE in pharpha, ipsam cellam sanctae MARIAE de minione cum omnibus suis pertinentiis possidere deberet in perpetuum, et monasterio sanctorum cosmae et damiani nichil pertineret." #438, an. 999, pp. 151–152; Otto III recognizes and confirms rights of Farfa over S. Maria in Minione; #439, n.d., confirmation by Henry, pp. 152–153; Archangelus de Alexandris, fol. 53v.

⁴⁹ *Ibid.*, 152: "Contentio igitur, quae fuit de cella sanctae Mariae in minione inter monasterium sanctae MARIAE quod dicitur in pharpha, et sanctorum cosmae et damiani quod ponitur in mica aurea, ita exorta est, quam huic operi inseruimus ex autenticis scedantis, ob id maxime ut his auditis, deinceps caueatur a rectoribus coenobi huius, ne similis proueniat euentus. Obsecramus autem omnes seniores qui audituri estis, ut pro dei amore, sanctaeque MARIAE seruitio, diligenter ascultetis

years before Ss. Cosma e Damiano had even been established. Charlemagne had conferred it on Farfa, he pointed out, and Louis the Pious and his successors confirmed its possessions.

During the Saracen invasions both Farfa and Santa Maria in Minione suffered. Farfa was uninhabited for forty-eight years until it was restored by Ratfredus. In the tenth century his successor, Campo, arranged to have Venerandus, a monk from St. Just in Tuscana, restore Minione. Campo drew up a brief (*libellus*) for Venerandus stipulating that there be three monks, the second two to succeed the first. Campo himself would retain a copy of the understanding.⁵⁰ Valentinus, the bishop of Centumcellum, consecrated Venerandus, who quickly restored the monastery to its former splendor.⁵¹ Like his predecessors before the Saracen invasions, Venerandus obeyed Campo and his successors.

At this time Benedict, called Campaninus, began building the monastery of Ss. Cosma e Damiano on his own property in Rome.⁵² Seeking a worthy abbot upon completion of the monastery, he settled upon Venerandus. With the consent of the abbot of Farfa, Venerandus was ordained abbot of Ss. Cosma e Damiano. As long as he lived he delivered the payment to Farfa stipulated in the *libellus*, and in all other respects he remained faithful to Farfa.⁵³ But when he died his successor, Silvester, did not carry out the terms of the *libellus*, and began to subtract the payment that he was obligated to transmit to Farfa.⁵⁴

atque discrete discernatis, si unquam plus iniustam absurdamque litem audistis, quam illi seniores praedicti monasterii sanctorum cosmae et damiani de hoc fecerunt."

⁵⁰ Ibid.: "Qui Campo abbas ordinavit in praedicta cella de minione unum praepositum ad ipsum locum restaurandum, nomine uenerandum, quem acquisiuit ab abbate monasterii sancti iusti de tuscana, cuius monachus erat, ac fecit ei de praedicta cella distructa libellum in tribus personis monachorum, uno duobus succedente, sicuti consuetudo monachorum saecularium tunc erat. Vnde et apparum ipse abbas apud se retinuit."

⁵¹ Fedele, *Carte*, p. 21; Fedele states that at this time bishops of Centumcellum did not occupy their see because of the Saracens. They probably sat in Rome, functioning in the papal court, and acting as legates and ambassadors.

⁵² *Regesto* 3, p. 153: "Hoc namque tempore coepit benedictus qui dicebatur Campaninus, aedificare praelibatum monasterium sanctorum cosmae et damiani in suo proprietate, sicuti pene omne romani sciunt, et adhuc supersunt plures qui recordantur." Fedele, *Carte*, p. 22; The property was the ancient "campus Bruttianus."

⁵³ Ibid.: "Cui cum a quibusdam de ipso uenerando indicatum fuisset, cum consensu et consilio abbatis sanctae Mariae, cujus erat praepositus, ordinavit eum abbatem. . . et pensionem quae in libello superius nominato quod secum portauit, sedebat, annualiter reddebat, et aliud seruitium abbatibus ipsius monasterii libenter exhibebat."

⁵⁴ "Quo mortuo, successor suus abbas, silvester nomine, cui libellum praedictum dimisit, coepit suptrahere illam pensionem quam dare debebat."

Because of these acts of insubordination a conflict arose between Silvester, and Johannes, the abbot of Farfa. This was the beginning of the strife between Ss. Cosma e Damiano and Farfa that lasted for more than a century.⁵⁵ The abbots of the two monasteries brought their first dispute over Santa Maria in Minione before Otto I (962–973) in a general synod sitting in St. Peter's.⁵⁶ The emperor reinvested Johannes with Santa Maria, but Lambert the Blind, whom Gregory of Catino does not further identify, restored the cell to those who favored Silvester.⁵⁷ Further action was delayed until the reign of Otto II, who was critical of Johannes. Removing him from his office, he appointed another abbot in his place.

Johannes sought refuge with his relative, Azzo, an abbot living on the Aventine in Rome. Among the documents Johannes brought with him from Farfa were the copy and injunction of the *libellus* of Santa Maria in Minione. Gregory charges that Johannes' malevolent *camerarius* sold these two documents to Silvester, still the abbot of Ss. Cosma e Damiano, for thirty pounds.⁵⁸ Following this precedent, he continues, Silvester forged a false command purported to be issued by King Hugo.⁵⁹

Thereafter the abbots of Ss. Cosma e Damiano held the cell until the time of Otto III (983–1002) and Hugo (Hugh), abbot of Farfa (997–1038).⁶⁰ With the agreement of Pope Silvester II, Hugo "inclitus marchio," and all of the Roman judges, Otto III confirmed the cell to Farfa.⁶¹ Farfa then held it for thirty years. Count Cadulus invaded

⁵⁵ Fedele, *Carte*, p. 22.

⁵⁶ *Regesto* 3, p. 153: "Qua de causa magna controuersia orta est inter illum et iohannem abbatem monasterii sanctae Mariae, ante praesentiam domnj ottonis imperatoris primi, in generali sinodo quae facta fuit tunc in basilica sancti petri maioris."

⁵⁷ *Ibid.*: "In qua sinodo, cunctis uidentibus, reinuestiuit ipse imperator iohannem abbatem de sepedicta cella, et dedit illi suum nuntiatum usque illuc, qui et ibi eum inuestisset. Sed lambertus caecus restitit illis, qui fauebat parti alterius abbatis."

⁵⁸ "Quae ipsa duo, scilicet libelli apparum et praeceptum, furatus est ursus maliuolus praesbiter qui dicebatur de male pascia, qui et camerarius erat ipsius iohannis abbatis, atque uendit ea praedicto siluestro abbati sanctorum cosmae et damiani, unde tulit xxx libras denariorum."

⁵⁹ *Ibid.*: "Ad quorum exempla fecit sibi facere idem abbas unum falsum praeceptum, quod dicebat esse factum a rege hugone."

⁶⁰ *Ibid.*: "A quo tempore coeperunt ipsi abbates iam quasi securius ipsam tenere cellam usque ad tempus ottonis tertii imperatoris, atque hugonis ipsius monasterii sanctae Mariae abbatis." see n. 32 above for confirmations of Otto III.

⁶¹ *Ibid.*: "Quam contentionem, qualiter ipse imperator legaliter cum concilio siluestri uenerabilis papae atque consensu, nec non et hugonis incliti marchionis, cunctorumque iudicum romanorum, iudicio finierit, superius uaceraci stilo demonstrauimus."

the cell after the death of Hugo and his successors, but he was quickly routed, and Henry III reconfirmed the cell to Farfa.⁶² Gregory testifies that even though Ss. Cosma e Damiano pertained to the popes, they did not interfere.⁶³

In 1048 Rainerio of Ss. Cosma e Damiano cited Berard I of Farfa to appear at a placitum to be held in the presence of Count Gerardo to litigate a dispute over the cell, still held by Farfa. Farfa won the case, and no further altercations occurred until 1051.⁶⁴ In that year the same two abbots brought disputes over the churches of Santa Maria in Minione, S. Michele Archangelo, and S. Pellegrino before a placitum held in Corneto in the presence of Duke Bonifacio, Bishop Ingelbert of Bieda (Tuscan), and legates of Leo IX.⁶⁵ When Rainerio failed to appear, it was decided that Farfa should remain in possession of the property until Bonifacio made a ruling. A renunciation of rights over S. Pellegrino, belonging to Santa Maria in Minione, and S. Anastasio in 1017, shows how important this property was. Not only was it located along the coastline, but it also contained important pertinences such as salt flats.⁶⁶

The conflict over Santa Maria in Minione flared up anew in 1072.

⁶² Ibid., "Quibus [Hugo & his successors] mortuis, inuasit eam cadulus comes, sed citius emendauit. Deinde sub domno heinrico imperatore qui reconfirmauit eam praedicto monasterio per suum praeceptum, ac sub rainerio marchione."

⁶³ Ibid., "Sed neque romani pontifices quibus pertinet monasterium ipsum cosmae et damiani, et ibi iuxta habent ciuitatem centumcellensem. unquam aliquam molestiam abbatibus sanctae MARIAE de ipsa cella fecerunt." Fedele, *Carte*, p. 20. Fedele, however, states that in 1005 John XVIII (1004–1009) confirmed the possession of Santa Maria with its pertinences to abbot Andera of Ss. Cosma e Damiano.

⁶⁴ Cesare Manarese, ed., *I placiti del "Regnum Italiae"*: Fonti per la storia Italia 97, 3 vols., 3 (Rome, 1960), #378, pp. 164–166; *Regesto* 4, #813, pp. 216–217: "Tunc ergo constitutum est a supradictis iudicibus ut haec carta scriberetur in testimonium, ut praefatus rainerius abbas nequeat amplius uocem super hoc loqui quoniam quidem aperte dabatur intelligi quod iniuste falsam quaerelam repeteret. Et, ut nostra praecepta regalia dicunt, antequam sanctorum cosmae et damiani coenobium fuisset fundatum, cella de minione longe ante fuit tenendum, isti iudices sua nomina scriptitarunt."

⁶⁵ Ibid., #388, pp. 200–202; *Regesto* 4, #824, an. 1051, pp. 225–226; There were also other problems besides the three churches: "... et de aliis omnibus causis unde erat intentio inter eos, quae sunt in finibus maritimae, in loco qui dicitur corgnitus, iudicaria de comitata qui uocatur tuscanensis. ... Sed ipse suprascriptus rainerius abbas ibidem legem minime accipere uoluit." *Chron.* 2, p. 125; Toubert, *Les Structures* 2, n. 1, p. 1317.

⁶⁶ *Regesto* 3, #505, an. 1017, pp. 215–216; p. 216: "Et ipsae suprascriptae aecclisae sancti peregrini et sancti anastasi, et terra et res et ipsa salina. ...". Astaldo, son of Hugo renounced any right over the church of San Pellegrino and S. Anastasio and its dependencies that were declared to belong to S. Maria in Minione that belonged to Farfa.

This time it caught the attention of Hildebrand, who suggested to Alexander II that both abbots appear at the Lateran Palace to present their cases to the pope. After all of the documents were read, the judges concluded that Farfa had the stronger case, and assessed damages against Ss. Cosma e Damiano.⁶⁷ The diploma cites Justinian on a legal principle that was critically important to Farfa—perpetual validity. Justinian states: “We wish that those acts that are transferred into public records have perpetual durability.” The diploma goes on to state that public confidence ought not to perish with the death of the witnesses. Also, as in the renunciation of 1017, the description of the property of Santa Maria in Minione reveals how extensive and strategically located it was, and why there was so much contention over it.

Odemundus, the abbot of Ss. Cosma e Damiano and former monk of Farfa, agreed to the conditions, but he refused to turn over the church of S. Pietro that he claimed was not a subsidiary of Santa

⁶⁷ *Regesto* 5, #1006, pp. 9–11: “Haec enim diuus iustinianus perpendens, oportuna imperiali sanctione corroborans, ait: ‘Gesta quae sunt translata in publica monumenta, perpetuam uolumus habere firmitatem.’ Nec enim morte cognitoris perire debet publica fides. [greater force of older rulings] Perlectis itaque utrarumque partium priuilegiis et praeceptis, et auditis defensionibus, quoniam pharphesis monasterii praecepta et privilegia antiquiora uidebantur [judgment to Farfa; vast property involved] ut praedictam aecclesiam sanctae MARIAE in minione, cum suis omnibus pertinentiis, cum gualdo et cum monte gosberti, seu ripa aluella, et marino portu, nec non etiam cum cunctis omnibus bonis eidem aecclesiae collatis, apud cornetum et centum cellensem urbem intus et extra positis, a principio sui usque nunc, modisque rectis et usualibus illi corroboratis et confirmatis, scilicet aecclesiis earumque acquisitionibus, atque terris cultis et incultis, uineis, molendinis, hortis, pratis, siluis, pharphense monasterium quiete et tranquille perpetuo haberet, et absque omnis litis calumnia possideret. . . . et abbas sanctorum cosmae et damiani cum omni congregatione seu omnem litem et requisitionem, sub poena uiginti librarum auri refutaret, et praecepta, privilegia siue instrumenta quae singulariter ad litem pertinerent, sanctae MARIAE abbati redderet.”

Chron. 2, pp. 157–158; p. 158: “et assidentibus episcopis, presbyteris cardinalibus et prefecto cum iudicibus ac Romanorum maioribus, perlecta sunt et audita utrarumque partium monimina. et quoniam huius monasterii praecepta et privilegia antiquiora videbantur, et iustitia ex maiori parte favere videbatur huic aecclesiae, visum est clericis, praefecto, iudicibus et sapientibus qui aderant viris, ut praedictam aecclesiam in Minione cum gualdo et monte Gosberti, seu Ripa Albella, et marino portu, caeterisque bonis sibi collatis apud Cornetum et Centum cellensem urbem intus et extra positis, hoc Farfense monasterium quiete et tranquille perpetuo, absque omni litis calumnia, haberet et possideret. . . . huius itaque pacti tenore a domno archidiacono prolato, et ab omnibus laudat. . . .” J. Mabillon, *Annales ordinis S. Benedicti occidentalium monachorum patriarchae* 6 vols. (Lucca, Paris, 1739–1740) 5, p. 48; Toubert *Structures* 2, n. 3, p. 1325.

Maria in Minione.⁶⁸ S. Pietro's location next to the castle of Corneto may have given Odemundus added impetus to fight for its possession. A new judgment was necessary when Hildebrand became pope in 1073. Even though Odemundus had good documentation to support his claim, the judgment went against him, and he agreed to relinquish the church. The final acts of the formal agreement took place on December 10, 1073 in Ss. Cosma e Damiano with Berard I, abbot of Farfa, present.⁶⁹ No charters at Farfa refer to this celebrated dispute because Odemundus had been forced to hand over all of the acts pertaining to Santa Maria in Minione after the first judgment by Hildebrand.⁷⁰ Good relations between Farfa and Odemundus persisted after the settlement, and the epigraph on his tomb honors his early instruction at his mother abbey.⁷¹

But contention over S. Pietro had not yet ceased. A dispute over its ownership flamed up from the ashes of the old rivalry between the two monasteries. This time the litigants were Berard and Lupo, the present possessor of the church, On March 26, 1080, Berard brought a complaint against Lupo and his consorts in a placitum held at the Palazzo Ducale in Spoleto in the presence of Countess

⁶⁸ Schuster, *Abbazia di Farfa*, p. 191; Schuster speaks highly of Odemundus, who, he notes, completed a splendid basilica dedicated by Alexander II in 1069.

⁶⁹ *Regesto* 5, #1013, Dec. 10, 1073, pp. 16–17. Berard came to Rome to collect the pawns that he had left for the transaction between Farfa and Ss. Cosma e Damiano in which Odemundus had agreed to relinquish Santa Maria in Minione. Also the charter of transaction was to be confirmed by Gregory VII, who as Hildebrand had made the decision under the pontificate of Alexander II. "Factum est autem, dum carta ipsa legeretur, quia aecclesiam sanctae MARIAE in minione cum caeteris aecclesiis, suisque pertinentiis, nominabat. Odemundus uero abbas audiens aecclesias generaliter contineri, assurgens, cartam ipsam coepit impugnare, dicens se non refutasse aecclesiam sancti petri. Abbas uiro pharphensis ei resistens, asserebat eam, confirmatione marchionis hugonis, sanctae MARIAE in minione pertinere. [Popes, bishops, prefect and judges hear of controversy; Odemundus claims that S. Pietro was independent of S. Maria in Minione; pope and advisors examine documents from both sides] quamuis instrumenta sanctorum cosmae et damiani uideantur meliora, et per ea sibi quoquo modo pertinere, tamen quia ipsa aecclesia uel eius res non uidetur sibi nec alicui suae proprietati, cum eam ibi non habeat in confinio, uel congrua, nec etiam aliquo modo lucrosa, sicuti ipsi pharphesis monasterio, quamquam uideatur maioris praetii, utilitatis tamen praedictum praetium esse uidetur potioris. Hac ita compensatione utrique parti complacita, a domno papa, aeipiscopis, cardinalibus, et cumano aeipiscopo, praefecto et iudicibus laudata, domni papae praecepto . . . [Everyone departs for Ss. Cosma e Damiano; decision read and approved; Odemundus arises and relinquishes S. Pietro to Farfa.] *Chron.* 2, p. 159.

⁷⁰ *Regesto* 5, #1006, an. 1072, p. 10; Fedele, "Carte," n. 3, p. 22; see n. 67 above.

⁷¹ Schuster, *Abbazia di Farfa*, p. 192: RELIGIONE PIA FARFENSIS VIRGO MARIA/INSTRUCTUM ROMAE DIGNO DECUSAVIT HONORE.

Mathilda of Tuscany. Lupo contended that his family had received the church from the monks of Ss. Cosma e Damiano, but Berard countered that Alexander II had granted Farfa the rights over the church formerly held by its rival. The judges accepted his evidence, and in keeping with its amazing success in defending its property rights, Farfa won the decision.⁷²

Yet, the property of Santa Maria in Minione continued to be contested. In June 1083, while Berard was present in Henry's camp near Rome, count Guido, son of Guido, handed over that property that he retained in Viterbo and that which he held from the church of Santa Maria in Minione.⁷³ On June 10 in the portico of St. Peter's, Rodilando, the count of Roccone, also relinquished everything that he had confiscated from Santa Maria in Minione.⁷⁴ In 1084 Henry IV confirmed S. Maria in Minione and its pertinences to Farfa.⁷⁵ In April

⁷² Manarese, *I placiti*, 3 #455, pp. 371–373; March 26, 1080 at Corneto: “Quo auditio et lite diu inter advocatos utriusque partis examinata, praefati iudices hanc sententiam dederunt, quod prefatus abbas sancti Cosmae non potuit ipsam aecclesiam refutare, neque praedictus Lupo vel eius consortes vel praepositus per temporis ullam praescriptionem se defendere possent. Insuper laudaverunt, quia praedictus abbas de Pharpha adquisierat, praecepto domni Alexandri papae, a iam dicto abbate sancti Cosmae omne ius quod monasterio sancti Cosmae pertinere videbatur, saepedictam ecclesiam sancti Petri habere deberet. . . . Tunc praedicta domna Matilda marchionisse atque ducatrix misit bannum supra praefatum abbatem de Pharpha . . . supra praedictam aecclesiam sancti Petri atque res ad ipsam pertinentes, ut nulla magna paruaque persona praedictum abbatem de pharpha uel eius successores, de praefata aecclesia sancti petri seu rebus ad eam pertinentibus, et similiter de aecclesia sanctae MARIAE de minione et rebus ad eam pertinentibus, diuestire uel aliquo modo molestare aut inquietare praesumat.” *Regesto* 5, #1049, pp. 49–50; *Chron.* 2, p. 163; Mabillon, *Annales* 5, #CXIV, p. 158; not uncharacteristically, the date of Archangelus de Alexandris differs slightly; fol. 71r: (Corneto, 1087) “Illustrissima Marchionissa Domina Matilda decidit litem verrentem inter Berardum, Abbatem, et Lupponem prepositum Sancti Petri de Corneto, quae auditis partibus eorumque diffentijis, tulit sententiam legitime in favorem Monasterij Farfensis, eidem assignans et confirmans duas ecclesias sitas intra civitatem Corneti scilicet ecclesiam Sanctae Mariae in Minione et Sancti Petri dicti civitatis.”

⁷³ *Regesto* 5, #1077, pp. 72–73, p. 72: “qualiter in loco et finibus prope urbem romam, ubi dicitur pusterula ad pertusum, intus tentorium domni regis heinrici, praesentia bonorum uirorum . . . Guido quondam guidonis comitis, per fustem quem in manu habebat, refutavit in manu domni berardi abbatis quantum ipse habebat aut detinebat aliquo ingenio de bonis aecclesiae sanctae MARIAE, in loco ubi dicitur de minione.”

⁷⁴ *Ibid.*, #1078, pp. 73–74: “in loco et finibus infra porticum sancti petri apostoli prope aecclesiam sanctae aecclesiae. . . . refutavit in manu iam dicti abbatis quantumcumque ipse habebat uel detinebat aliquo ingenio de bonis praedictae aecclesiae sanctae MARIAE, in loco minione, aut in finibus uiterbensiis, se per alia loca et uocabula ubicumque inueniatur . . .”

⁷⁵ *Regesto* 5, #1099, pp. 95–99; p. 95: “In territorio tuscano cellam sanctae MARIAE

of the same year in a court held on the Capitoline, Henry also recognized Farfa's right to half of the important near-by city of Civita-vecchia, including its churches and pertinences.⁷⁶

These examples demonstrate how Farfa's widespread property greatly augmented its wealth and prestige. In Latium—especially in the Sabina, Rome, and the area of Corneto—its possessions gave it economic, military, political and diplomatic advantages that compared with those of a principality. Farfa did not direct its power against the papacy, but when there was a conflict between the papacy and the emperor, it could utilize its resources in favor of the emperor. The emperor in turn supported Farfa with privileges and confirmations of its property in conflicts with other religious institutions.

Not all of Farfa's property disputes involved other religious institutions. One of the most violent and prolonged confrontations occurred with the Ottaviani, powerful counts in the Sabina. The adjudication of this dispute is one of the richest sources for understanding how Farfa, the empire, the reform papacy, and local counts justified their authority. Let us examine the background of two tribunals created to resolve the conflict lasting from 1103–1105.

iuxta fluuium minionem, cum gualdo, et cum ipso monte gosiberto, seu et ripa albella, et marino portu." p. 97: "In urbe roma: cellam sanctae MARIAE in cripta agonis. Et aecclesiam sancti benedicti in loco qui dicitur scorticlarij, cum criptis et earum pertinentiis. Aecclesiam sanctae MARIAE in formello cum omni pertinentia sua, et cum fundis quos leo papa nonus, bonae recordationis, sanctae MARIAE misericorditer contulit." Fedele, *Carte*, n. 2, p. 20.

⁷⁶ Ibid., #1097, pp. 92–93; p. 93: "totam ipsam medietatem praenominatae civitatis uaetulae cum omni usu fructus sui, et cum aecclesiis suis, omnibus pertinentiis."

CHAPTER THREE

BERARD I AND NICHOLAS II

Berard I

Imperial patronage did not insulate Farfa from the papacy and the nobility. Popes and nobles were by turns supportive and adversarial, enhancing the monastery's stability and well-being, or probing for weaknesses to find an opening to promote their own interests. From the middle of the eleventh century when the papacy and the emperor began to focus on ecclesiastical reform, popes were well disposed toward Farfa. It was about this time, for example, that they began granting monastic exemptions, a practice that had come late to Latium, and would last only a short time. Such gestures did not always spring from pure benevolence, however, but also from imperial pressure.¹

The good will toward Farfa of two popes of this period is reflected in the prologue to the *Liber Floriger*. Since this context was limited, Gregory of Catino could include only the documents that he considered to be seminal. He first cites a bull from the exceedingly short reign of Gregory VI (1045–1046). In a rare departure from customary papal policy, Gregory VI granted Farfa an exemption from episcopal jurisdiction, confirming the right granted by kings that Farfa could choose whichever bishop it wished to consecrate its churches and ordain its monks. Further, he emphasized that his decree pertained to all of Farfa's property, not just to the Sabina.² Part of Gregory VI's motivation may have been to insinuate himself into the good graces of Henry III by favoring Farfa, for he had come to office by dubious means, and was in danger of being removed. But

¹ Toubert, *Structures*, 2 p. 918 & n. 1; Toubert says that imperial pressure was always behind such gestures.

² *Liber Floriger*, pp. 31–32: "Gregorius autem VI papa, deprecante domno Almerico abbate, apostolica corroboravit auctoritate quod ordinaverunt atque constituerunt sancti et antiqui reges in hoc Farfensi coenobio, videlicet a qualicumque episcopo placuerit abbati vel monachis huius monasterii sacrari suas ecclesias ac monachos ordinari suos, eius licentia preceptoque fiat." *Regesto* 5, #1239, an. 1045? 1046?, pp. 223–224; *Chron.* 1, p. 283; Toubert, op. cit., p. 914.

if Henry appreciated the gesture, it did not dissuade him from deposing Gregory, and appointing his own pope.

Two other privileges included in the *Liber Floriger* were granted by Leo IX (1049–1054), Henry's personal choice for pope. Leo confirmed Farfa's privileges, and granted Berard the license he had requested to choose a bishop to consecrate his church. If Berard were unable to do this, Leo said, he could grant the license to whomever he wished, but he must beware of simony.³ Leo supported Henry's policies, and would have been inclined to favor imperial monasteries. Nevertheless, he was frequently absent from Rome, and could not always take care of local business. For example, although Berard cited the Ottaviani to appear at tribunals in Leo's presence, Leo failed to force them to appear.⁴ Leo had other pressing problems, such as a depleted treasury, and threats from the Normans in Southern Italy.

Even though Farfa's good relationship with the papacy remained intact during this period of incipient papal sovereignty, its abbots realized that Farfa was an impediment to papal expansion, and they became more alert to possible infringements of its liberties and possessions. The first test came when Nicholas II (1059–1061) began to bring property in the Sabina under direct papal control.

Nicholas II

As part of this effort Nicholas began bringing castles under his direct authority through various means, including outright purchase.⁵ He

³ Ibid., 32 for both documents: "Leo episcopus servus servorum Dei B(erardo) abbati Sancte Marie de Farfa, salutem et apostolicam benedictionem. Quod postulasti a nobis licentiam consecrationis tuae ecclesiae, ita de hoc tibi mandamus, ut proprium episcopum tuo ingenio, tua sapientia illuc ducas ad consecrandam ecclesiam predictam. Si vero hoc agere nulla ratione poteris, cum licentia undecumque volueris: cave tamen illud, ne sit symoniacos." Usually the whole document is recorded in the *Regestum* and only fragments in the *Liber Floriger*. In this case the process is reversed. There are only excerpts in the *Regestum* and *Chronicon*. Erasures in the *Regestum* after "rebus. . . si; ratione. . . acquirere" suggest that there may have been tinkering with the text. *Regesto* 5, #1293, p. 284; *Chron.* 2, p. 202; By contrast, confirmation of rights and privileges in #884, *ibid.*, 4, an. 1051, pp. 280–282 and *Chron.* 2, pp. 136–138 is a whole document and only a short excerpt emphasizing revenues is included in the *Liber Floriger*.

⁴ *Regesto* 4, #906, an. 1060, pp. 300–302; the document is issued by Nicholas II, but mentions the background of Leo IX; p. 300: "Qui contumaciter persistentes, ab introitu domini leonis papae qui eos appellavit ut legem abbati pharphesis facerent . . ."

⁵ Toubert, *Structures*, 2, p. 1069; this is the movement characterized by Toubert

also wanted to weaken any potential opposition, including neutralizing the power of the Crescentii/Ottaviani, supporters of Benedict X (1058–1059), who challenged Nicholas for the papacy. While showering many favors on Farfa, Nicholas nevertheless wanted to gain control of territory in the Sabina.⁶

In 1060 Rocca Antica and Montasola were among the first of a series of fortifications to become *castra specialia* S.R.E. The papacy bought the deserted castle of Rocca Antica from the noble occupying it, and fixed the conditions under which it would be repopulated under immediate subjection to the papacy.⁷ It would have to pay certain fees, and agree to submit all legal cases to the pope or to his local agents. In return, the pope took the castle under his immediate protection, and guaranteed to defend it, if necessary against the emperor, his vassals, and his agents. But although the emperors had no objection to the papacy's administering the lands composing Latium, they considered the territory to be part of the empire. Latium thus became a point of contention between *regnum* and *sacerdotium*, and each side had a stake in any property dispute.⁸

Farfa, of course, saw the emperor as an ally, and might rather have seen the papacy as a potential aggressor against which to be

as "incastellamento." Farfa, in turn, utilized this same tactic. A notable case was its purchase and restoration of the castle of Arci and whatever part Theodora, the widow of Crescentius d'Ottaviano, and her sons held of Tribuco in 1061. *Regesto* 4, #905, an. 1061, pp. 299–300.

⁶ Toubert, *Structures* 2, pp. 1040–1070.

⁷ Ibid., 1070; letter of Nicholas II from archives of Rocca Antica, reproduced by F. P. Sperandio, *Sabina sagra e profana, antica e moderna* . . . (Rome, 1790, repr. Bologne, 1971), appendix #37, pp. 373–374: "... [Nicholas concedes land to several families] Statuimus quoque, & apostolica auctoritate sancimus, ut sitis sub Apostolica defensionis protectione quieti; & ab omni molestatione, & infestatione securi. Nec alicui imperatori, duci, marchioni, vel comiti, sed ut ammodo Romanae, & Apostolicae sedi, ac nunciis ejus subjecti. . . . dat. April, 1061 . . . per manus Humberti sanctae ecclesiae Silvae candidae episcopi & apostolicae sedis bibliothecarii." Kehr, *Italia Pontificia* 2, *Latium*, p. 72, n. 1: "Nicholas II Grimaldo [etc.]: concedit castellum q.v. Rocca de Antiquo a sese acquisitum, eo modo ut eam domibus reaedificent et habitatores ibi, quantos poterint, advocent, et singuli eorum per domos et familias, quique secundum quantitatem possibilitatis suae, annualiter persolvant pensionis nomine in pascha b. Petro census et fodrum faciant et placita fideliter observent." Silvestrelli, *Città* 2, pp. 442–443: "Vogliono che i concessionari fossero tredici militi superstiti della difesa del castello contro i Crescenzi fautori dell'antipapa Benedetto X (1059)."

⁸ Sperandio (*Sabina Sagra e Profana*, p. 106) states that after 1061 there was so much confusion in the church that the counts and the rectors, previously appointed by the church, came under the jurisdiction of the empire, and became both hereditary and despotic.

protected. Moreover, Farfa itself may have had some claim to Rocca Antica. Although the exact ownership of the castle prior to its purchase is unknown, as the *fundum Antiquum* it had been confirmed to Farfa by Lothar in 840. As evidence that Farfa's interest had not ended in 840, it would be confirmed again by Henry V in 1118.⁹ Possibly, therefore, Berard perceived Nicholas' move as an infringement of Farfa's rights.

His fears would have been compounded by a second contract Nicholas entered into with inhabitants of the castle of Montasola. The conditions were similar to those of Rocca Antica except that they were worked out with an already existing community.¹⁰ As with Rocca Antica, Farfa may have felt that the papacy ignored its prior rights to Montasola. Gregory of Catino relates that before the reign of its great abbot, Hugh, at the end of the tenth century, the fortress under its old name of castrum de Lauro had been captured from Farfa by the lords of Aspra. Although it had never been recovered, Farfa may still have considered itself to be the legal owner.

The contracts between Nicholas and the two castles survived by quirks of fate. There may have been others drawn up by the papacy to exercise its direct sovereignty over the northern borders of the Patrimony. About the same time (1059) it assured its southern borders by the treaty of Melfi with the Normans. Whether or not the fortifications the papacy took over in the Sabina were directly related to Farfa, these new moves challenged the authority of the monastery and the emperor. Rather than risking a direct confrontation, however, Nicholas and Hildebrand, the man behind him, sagely supported Farfa.

It was a signal honor that scarcely consecrated, Nicholas came to Farfa in February, 1059. He spent several days amicably conversing with Berard before Desiderius, abbot of Montecassino, arrived.¹¹ The

⁹ *Regesto* 5, #1318, pp. 302–308 at p. 305; *Chron.* 2, pp. 279–287 at p. 283; Silvestrelli, *Città* 2, pp. 442–443.

¹⁰ Toubert, *Structures* 2, p. 1071; Toubert speculates that the binding of Montasola to the papacy was connected with the crumbling of the power of the Ottaviani in the Sabina c. 1050. Seizing the opportunity presented by the family's decline, the papacy moved quickly to fill the void. Vehse, "Die päpstliche Herrschaft," appendix 1, I, pp. 172–173.

¹¹ Mabillon, *Annales ordinis S. Benedicti* 4, p. 537: "Inde ad Picenum agrum profecturus Nicolaus, Desiderio Casinati injunxit, ut sibi quam primum occurreret. Ille vero dominica prima quadragesimae Casino progressus, in Farfensi monasterio papae sese adjunxit . . ."

meeting with the abbots may have been designed to secure the papacy's northern and southern frontiers by forming alliances with the two monasteries. Nicholas consecrated Desiderius as cardinal priest of Santa Cecilia, and made him his legate for all of the Campagna, Picoena, Apulia, and Calabria.¹² After traveling together, Nicholas and Desiderius returned to Rome, where, in April they attended the council in which Nicholas promulgated the first comprehensive decree on papal elections.¹³ The two then traveled to Montecassino, where Nicholas summoned the delegates to the Council of Melfi in which he established an alliance with the Normans.¹⁴

Soon, Nicholas had the opportunity to show his support of Farfa. Shortly after the fledgling papacy had made its quick and revolutionary moves, the Crescentii/Ottaviani began inflicting multiple injuries on Farfa. The Crescentii side of the family already had a history of aggression against Farfa. Before the reign of Leo IX Crescentius had invaded its fortress, Tribuco, and mutilated the monk left in charge.¹⁵ Not stopping with this savagery, his sons devastated Farfa's property, and committed other heinous offenses.¹⁶ In 1060 while Ni-

¹² Ibid.: "simulque cum eo Auximum profectus, ibidem secundo quadragesimae sabbato, id est pridie nonas Martii, cardinalis presbyter tituli sanctae Ceciliae trans Tiberim creatur, & sequenti dominica abbas consecratur ab ipso pontifice, qui vices ei suas per totam Campaniam, Picoenum, Apuliam & Calabriam commisit. Romam dein profectus Desiderius, tituli sui possessionem iniit, indeque Casinum rediit."

¹³ Ibid.: "Paullo (sic) post in Urbem reversus jussu pontificis, pascha ibidem cum eo celebravit, interfuitque concilio Romano mense Aprili habito, in quo decretum de electione pontificis sancitum;"

¹⁴ Ibid.: "Peracto concilio, pontifex Casinum adiit in nativitate beati Johannis, & Desiderio secum assumpto in Apuliam profectus, alterum Melphiae habuit concilium ad componendas res Nortmannorum: ubi Richardus princeps Capuanus, monente pontifice, Desiderio abbati abbatiam sanctae Mariae in Calena, sitam in finibus Apuliae . . . contulit, praeceptione data Kal. Setembris . . ."

¹⁵ Ibid., 559: "Per id tempus [1060] Crescentiani multas injurias, multaque damna Farfensi monasterio intulerunt. Prima mali labes orta est a Crescentio Octaviani filio, qui castellum monasterii, Trebuccum nomine invaserat, & monacho ibi invento nares absciderat. Ejus filii ac successores, reclamantibus nequiquam monachis praedictum castellum retinere haud dubitarunt." *Regesto* 4, #906, pp. 300-302; p. 300: "Crescentius igitur octaviani filius inuasit quoddam pharpha quod nominatur trebucam, et monacho ibi inuento nares abstulit ad iniuriam servitorum eiusdem monasterii."

¹⁶ Ibid.: "neque hoc contenti, armata manu obvia quaeque monsterii praedia rapinis & incendiis devastarunt; insuper quemdam monachum ab se comprehensum lingua, naribus & auriculis atrociter mutilarunt." *Regesto* 4, #906, p. 300: "Qui [sons of Crescentius] nullam requirantes iustitiam neque expectantes, neque aliquam domino papae reclamationem facientes, aequitare armata manu coeperunt super omnia bona sanctae MARIAE, incendio concremare aecclesias, villas, arbores et vineas incidere.

cholas sojourned at Florence, Berard informed him of these acts of violence.¹⁷

Nicholas sent the Crescentii a letter ordering them to stop molesting Farfa. Not only did they not stop, but they perpetrated even worse crimes. Nicholas returned to Rome, and sent count Sinebaldo and Farulfum Dentulum, their *fidelis*, to order them to come to Rome to appear at a tribunal to be held during Easter at the Lateran. The only one from his family to appear was Johannes de Crescentio.¹⁸ Citing Justinian, the judges awarded Berard the judgment, and ordered Johannes to make full restitution.¹⁹ It was clearly an important ruling, for the decree was signed on April 28 by Nicholas himself, Dominicus, patriarch of Grado, Hildebrand, Humbert, cardinal bishop of Silva Candida, and a long list of other powerful prelates.

The pope's benevolence toward Farfa did not end there. He accepted Berard's invitation to visit Farfa and to consecrate two principal altars in Santa Maria and another in the chapel of San Salvatore.²⁰ On June 6 after the solemnities of the mass, he decreed

Homines occidere, et quod peius est abbati insidias praeparantes persecuti sunt, et in ipsa persecutione quendam monachum comprehenderunt, sanum atque incolumem, quem ante praesentiam eorum ductum caecauerunt, nares absceiderunt, linguam uidelicet et auriculas."

¹⁷ Ibid.: "His a pontificatu Leonis IX. ita se habentibus, demum Berardus abbas rem ad Nicolaum II. retulit, qui tum Florentiae morabatur." *Regesto* 4, #906, p. 300: "Cum autem haec omnia agerentur, et abbas tantam non posset ferre molestiam, direxit nuntium suum domino papae qui tunc erat florentiae, pro hac causa."

¹⁸ Ibid.: "Princeps horum facinorum Johannes de Crescentio, jussu pontificis per Sinebaldum comitem & Farulfum ad papae audientiam Romam citatur. Adfuit ille ad conductum diem cum Barardo abbate: at inducias ad petendum consilium poposcit. Decem dierum datis induciis, alias nihilo minus postulavit, quas aegre ad vicesimum diem obtinuit sub poena . . . si defuisset. Cum vero finito termino haud compareret, sententia in eum dicta est, ut damna monachio illata restitueret. [April 28, 1060; Nicholas, Hildebrand as archdeacon, and many others signed.] *Regesto* 4, #906, an. 1060, pp. 300–302; Schuster, *Abbazia di Farfa*, pp. 194–195.

¹⁹ *Regesto* 4, #906, an. 1060, p. 301: "Qui omnes consona uoce dixerunt capitulum libri codicis iustiniani, ita dicentis: 'Eius qui per contumaciam absens cum ad agendum causam uocatus esset condemnatus, negotio prius summatim perscrutato appellatio recipi non potest.' Et hoc dicentes legaliter consilium dederunt domino papae ut faceret inuestituram abbati de his quae abbas cum seruitoribus sanctae MARIAE detinebat, et de quibus eis a filiis crescentionis molestiae fuerant illatae, ut secure ac quiete omni tempore detinerent seruitores praedicti monasterii."

²⁰ *Regesto* 5, #1305, doc. "p," an. 1060, pp. 291–292: ". . . Nycolaus sanctissimus papa ij inuitatus decentissime a domno Berardo uenerabili abbate huius farfensis monasterii, omnique fratrum conuentu eiusdem coenobii, una cum episcopis romanis et aliquantis cardinalibus ad hoc monasterium libentissime uenit ad huius ecclesiae principalia consecranda altaria, hoc est beatae MARIAE dominae nostrae, et domini dei saluatoris mundi."

that all of the penitents present should receive remission of three years. Further, he stipulated that this remission would be granted annually to penitents who arrived with votive offerings and gifts. This privilege carried the promise of substantial future wealth for Farfa, as the penitents presented their gifts and paid for their subsistence as travelers.²¹

After the consecration of the altars, in July 1060, at Berard's request Nicholas examined and confirmed the privileges placing Farfa under imperial protection and recognizing its immunity from direct papal authority.²² He then authorized three legates to confirm Farfa's privileges and to excommunicate invaders.²³ This privilege became Farfa's virtual Magna Charta. It begins with a conventional prohibition against plundering and invading Farfa's property, and of infringing its rights and ancient liberties.²⁴ It goes on to prohibit anyone from interfering with Farfa's imperial patronage.²⁵ It then directs it-

Archangelus de Alexandris; There are very few entries in the *Tabuli Annales*; the only one between 1060 and 1084 when Henry III grants a major privilege is: "1060—Nicholaus 2 Papa consecrav[it] Basilicam Farfam et duo principalia altaria eiusdem & altare Maius in honorem Dei Genitricis et Saluatoris die 6 Junij."

²¹ Ibid., "Quo facto honorificentissime, inter sacrae sollemn[ia] missae idem pontifex uenerabilis omnibus poenitentibus qui ibi conuenerant et aderant remissionem trium annorum fecit, et constituit ut haec remissio annualiter fiat omnibus qui in ipsa die cum uotis et donis prout potuerint honorifice et honeste annue uenire studuerint, et pauperibus qui donum non habuerint si religiose properare uoluerint. De raptoribus uero ac inuasoribus, siue furis aut sacrilegis huius bonorum monasterii excommunicat[ur] anathematis fecit, quam describi et quotiens oportuerit talem legi praecepit." PL 143:1345–1346.

²² Ibid., #1306, "q," an. 1060, p. 292; Nicholas pronounces anathema on those who usurp the goods of Farfa. "IN NOMINE DOMINI, Nycolaus episcopus seruus seruorum dei. Ob reuerentiam sanctae dei genitricis et semper uirginis ac dominae nostrae MARIAE postquam renouationem consecrationis huius ecclesiae farfensis deo propitio iam honorifice expleuimus. . . ." JL 4438.

²³ Ibid., #1306, "r," an. 1060, pp. 292–294, p. 292: "Post consecrationem autem huius ecclesiae altarium, nycolaus reuerentissimus praesul aliquantulum nobiscum commoratus, beniuolum se in omnibus, immo benignissimus erga huius loci negotia et istius congregationis proficua, exhibuit."

²⁴ Ibid., #1307, "s" pp. 294–295, p. 294: "Nos praesentes legati apostolicae et sanctissimae romane sedis, reuerentissimo summoque pontifice domno nycolao iubente interdicimus et omnimodis uetamus ut nemo unquam de ecclesiasticis aut secularibus uiris cuiuscumque ordinis aut dignitatis, hanc ecclesiam beatae MARIAE quae dicitur in farfa cum propria congregatione cunctisque bonis ipsius siue substantiis omnibusque familiis interius et exterius uel ubi comanentibus, diabolico instinctu uel ausu temerario praesumat quocumque modo inuadere aut diripere siue conculcare, uel de autentica et antiqua libertate suptrahere . . ." Mabillon, *Annales S. Benedicti* 4, pp. 559–560.

²⁵ Ibid.: "et de patrocinio siue tuitione atque defensione regali atque imperiali euellere aut subuertere . . ."

self to the Roman curia itself, forbidding the transference of Farfa to its dominium.²⁶ After further warnings not to deprive Farfa of its rights and its goods, it admonishes everyone not to violate the privileges of the popes and the commands of the emperor.²⁷ It then commands even popes and patriarchs not to defy this command.²⁸

What occasioned this extraordinary act protecting Farfa against the pope and the Roman curia is not obvious. One historian has suggested that Berard may have sensed the danger that the good will that Nicholas lavished on Farfa could end in a relationship of dependency. To forestall such a threat to Farfa's autonomy, Berard picked an opportune moment to throw his weight behind the nobility. Since this shrewd move would have placed the papacy's success in the Sabina in question, the argument concludes, it could have been the factor that precipitated the decision to renounce any patronage over Farfa.²⁹

To me, a possible conflict with the Sabine nobility is too trivial a motive to account for such a comprehensive concession. I suggest the hypothesis that, under the influence of Hildebrand, the curia thought of the renunciation as an expedient to curry favor with Farfa and the regency that could later be ignored. Farfa was wealthy and powerful; the papacy was weak and needed local support. It had just signed the treaty of Melfi with the Normans to gain such support against the nobility, who had raised their own candidate to the papal see in opposition to the Hildebrandine faction. Like the Normans, Farfa was a local power, and could serve as the papacy's ally on the opposite end of the Patrimony. Moreover, the papacy would be demonstrating a diplomatic even-handedness between the Normans

²⁶ Ibid.: "uel in dominium et dicionem curiae romanae transferre . . ."

²⁷ Ibid.: "et cuiuslibet ecclesiae tributariam facere, et bona illius et iura quoquo modo uitare uel dissipare siue corrumpere, et priuilegia pontificum apostolicorum et praecepta imperatorum sibi pro huius ecclesiae integerrima libertate concessa pro nichilo ducere aut in aliquo uiolare."

²⁸ Ibid.: "Quicumque autem pontifex, patriarcha, archiepiscopus, episcopus, abbas, praelatus, subditus, princeps, patricius, dux, marchio, comes . . . [etc.] horum aliquid quae superius comprehensa sunt contra praefatam ecclesiam farfensem et congregationem eius, uel ordinatos et rectores huius monasterii praesentes et futuros usque in perpetuum . . . et hoc scelus uel sacrilegium commiserit, sit anathema. . . . [first signatures are the three legates, p. 295] Humbertus dei gratia episcopus siluae candidae, et petrus episcopus agubinus, et ailardus episcopus et abbas sancti pauli, sanctae romanae ecclesiae legati, ex praecepto domni nycolai sanctissimi papae ij hoc decretum fideliter statuimus. . . ."

²⁹ Vehse, "Die päpstlichen Herrschaft," pp. 153–156.

and the emperor. By showing that it had no designs on Farfa, it might lessen the regency's irritation over the treaty of Melfi.

Never before Nicholas had the papacy so expressly recognized Farfa's rights, but his successors frequently ignored his decrees. It has even been speculated that Nicholas thought that he could easily extricate himself from his own concessions.³⁰ Whatever his intentions were, Farfa saw the bull as its chief bulwark against papal incursions, and argued that its provisions were binding in perpetuity. In his narration of the dissensions within Farfa between 1119–1125, Gregory of Catino was still referring to the bull. He stated that Nicholas promised that no one could subjugate Farfa and its goods to the curia at Rome or to the papacy.³¹ Seemingly, he wanted to make it clear that the bull included both the curia and the papacy.

Farfa's insistence that the validity of papal and imperial decrees did not cease with the death of the pope or the emperor had the strength of tradition in canon, Germanic, and Roman law. In Bologna, where the study of Roman law was being revived at the end of the eleventh century, lawyers held that new law was not made, but rather that old law was brought back to light.³² This view would predominate until the twelfth century, but by then it was already being challenged. Because the durability of law was the cornerstone of Farfa's immunities, and the basis of its case against the Ottaviani, let us examine the principle more closely.

Durability of Law

What were the current opinions on the durability of privileges that would weigh so heavily in the debate between Farfa and the Ottaviani? The best legal minds of the times wrestled with this issue, especially because it had vast implications for papal authority. By 1122 men began to argue whether the concessions Calixtus II made to Henry V in the Concordat of Worms were binding on future popes or applied to future emperors. Although by that time there was a growing con-

³⁰ Ibid., 156.

³¹ *Regesto* 5, p. 320: "sed et Nicolaus papa II apostolica auctoritate sub anathematis pavendi interdictione decrevit, ut nemo hanc ecclesiam suaque bona omnia curiae Romae vel papati subiugare audeat;" *Chron.* 2, Appendix p. 307.

³² Hermann Krause, "Dauer und Vergänglichkeit im mittelalterlichen Rechts," *Zeitschrift der Savigny Stiftung für Rechtsgeschichte* GA 75 (1958), 206–251; p. 211.

sensus among canon lawyers that a pope could not bind his successors, they did not concede that the validity of a decree ceased with the death of its promulgator.

Traditionally men reasoned that old law took precedence over new because it was closer to divine law originating in the mind of God, and revealed in Scripture.³³ In his edition of *The Collection in Seventy-Four Titles*, compiled between 1060–1067, and which he subtitled, *A Canon Law Manual of the Gregorian Reform*, John Gilchrist noted that all reformers stressed the restoration, as opposed to the innovation of the law. Gilchrist recognized that in the end the popes made new law, but he observed that even this faculty was perceived as an extension of the ancient canonical right *causa utilitatis vel necessitatis*. The fiction persisted that the restoration of the old laws would revivify the church.³⁴

From the time of the Lombards and Merovingians to the time of the Hohenstaufen, Germanic law adhered to this doctrine, but its application was contradictory and inconsistent. If, for example, old law was valid and durable, then why did kings, emperors, and indeed, popes, find it necessary to confirm privileges? There is no logical response to this question, only the recognition of the reality that the conditions attached to privileges were weak. Accordingly, even if donors bound their successors, and stated that their privileges were perpetually valid, the diplomas were usually confirmed from time to time.³⁵

In the late eleventh century *jurisprudentes* imbued with a knowledge of Roman and canon law began to confront the tradition that old law supersedes new, and to try to bring some order and consistency

³³ Ibid., 207: "Das mittelalterliche Recht ist seinem Wesen nach altes Recht." p. 208: "ipse fons iustitiae deus." "rex justus, non legum conditor. talis lex conservetur, qualem temporibus priorum regum et praecipue avi patrisque eorum habuisse noscuntur." p. 209: From the Lombard and Merovingian to the Hohenstaufen the rule was: "Ut praecepta facta, quae anteriora essent, firmiora et stabiliiora essent." In a placitum of 968: "quod omnibus apparuit injustum et contra legem, ut posteriora scripta priora excedant."

³⁴ John Gilchrist, *The Collection in Seventy-Four Titles: A Canon Law Manual of the Gregorian Reform* (Toronto, 1980), p. 9; Gilchrist also edited the Latin edition. *Diversorum patrum sententiae sive Collectio in LXXIV Titulos digesta*. Monumenta Iuris Canonici, ser. B; Corpus Collectionum 1 (Vatican City, 1973).

³⁵ Theo Kölzer, "Codex libertatis. Ueberlegungen zur Funktion des 'Regestum Farfense' und anderer Klosterchartulare," *Atti del Congresso internazionale di studi sull'alto medioevo. Centro Italiano di Studi sull'alto medioevo* (Spoleto, 1983), pp. 609–653, at pp. 648–649.

into the concept of duration.³⁶ They looked back to St. Augustine, who held that modern decrees and canons took precedent over the more ancient.³⁷ They reasoned that as conditions changed popes ought to be able to respond to new situations, even if it meant altering the decrees of their predecessors. They concluded that popes could not be constrained in their authority to make law.

We have already seen from Hildebrand's citation of Justinian on the perpetual validity of law in the case between Farfa and Ss. Cosma e Damiano in 1072 that he seemed to share Gregory of Catino's views.³⁸ But after he became pope, he joined other reformers in questioning the applicability of this tradition to the papacy. In the *Dictatus Papae* he bluntly stated that popes could promulgate new law, and adumbrated a view of papal authority that Gratian would greatly refine c. 1140 in his *Decretum*.³⁹ Gratian argued that the pope had total disposition over privileges because they were private law, and could therefore be changed or revoked.⁴⁰ The cornerstone of this

³⁶ Krause, "Dauer und Vergänglichkeit," passim.

³⁷ Ibid., n. 99, p. 232.

³⁸ *Regesto* 5, #1006, pp. 9–11; p. 9: "Haec enim diuus iustinianus perpendens, oportuna imperiali sanctione corroborans, ait: 'Gesta quae sunt translata in publica monumenta, perpetuam uolumus habere firmitatem.' Nec enim morte cognitoris perire debet publica fides."

³⁹ *Register Gregors VII.*, ed. Erich Caspar (MGH, Epistolae selectae; Berlin, 1920) #7, p. 203: "Quod illi soli licet pro temporis necessitate novas leges condere." cf. #18 that states that only the pope can rescind the decisions of his predecessors. There is now some question over whether Gregory wrote the *Dictatus Papae*, and Kenneth Pennington even refers to the tract as the "so-called *Dictatus Papae*." *The Prince and the Law, 1200–1600: Sovereignty and Rights in the Western Legal Tradition* (Berkeley, Los Angeles, Oxford, 1993), p. 9 & n. 4; Hubert Mordek, "Proprie auctoritates apostolice sedis: Ein zweiter Dictatus papae Gregors VII.?" *Deutsches Archiv für Erforschung des Mittelalters* 28 (1972), 129; Krause, "Dauer und Vergänglichkeit," p. 234.

⁴⁰ *Corpus iuris canonici*, ed. Emile Friedberg, 2 vols., 1 *Decretum Magistri Gratiani* (Leipzig, 1879–81, repr. Graz, 1959); Dist. 4, d.p.c. 2: "Ideo autem in ipsa constitutione ista considerata sunt, quia cum leges institutae fuerint, non erit liberum iudicare de ipsis, sed oportebit iudicare secundum ipsas." Causa 25, quaestio 1, c. 16, II Pars. Gratian: sec. I. "His ita respondetur: Sacrosancta Romana ecclesia ius et auctoritatem sacris canonibus impertit, sed non eis alligatur. Habet enim ius condendi canones, utpote que caput et cardo est omnium ecclesiarum, a cuius regula dissentire nemini licet. Ita ergo canonibus auctoritatem prestat, ut se ipsam non subiciat eis." C. 26, q. 2, d.p.c. 21: "His ita respondetur: Sancta Romana ecclesia sua auctoritate congregata ualet disiungere, et distincta congregare; rationis tamen equitate considerata. Unde uel pietatis, uel necessitatis intuitu semel a se concessa ualet uel in totum uel in partem commutare."

Stanley Chodorow, *Christian Political Theory and Church Politics in the Mid-Twelfth Century: The Ecclesiology of Gratian's Decretum* (Berkeley, Los Angeles, London, 1972), pp. 141–153, esp. 142 for a discussion of papal legislative authority. Idem, "Ideol-

right was encapsulated in the phrase, "*salva sedis apostolicae auctoritate.*" Gregory of Catino took the opposite position. He asserted that since decrees granting or confirming privileges were private law, they could never be violated.⁴¹

But if canon lawyers believed that popes could amend and revoke privileges and canons, they did not hold that the validity of papal and imperial decrees ceased with the death of their promulgator. In his tract of 1086, "*De scismate Hildebrandi*," Bishop Guido of Ferrara declared that grants of kings and emperors must be confirmed by their successors if they were to remain operative.⁴² But a tract written in 1111 in defense of Paschal II after his capitulation to Henry V still defended the permanency of decrees. Like Hildebrand before him, the author of the "*Disputatio vel Defensio Paschalis Papae*" cited Justinian, who stated that all privileges given by the emperor to ecclesiastical prelates or institutions were immutable.⁴³

The resolution of these conflicting currents of thought followed a convoluted dialectic. Law did not cease to be valid at the death of its promulgator, but the promulgator could not bind his successors. For as the decretist, Huguccio, asserted in a gloss on Gratian's Decretum, "*par enim parem ligare non potest.*"⁴⁴ Law had perpetual validity as long as no future pope or emperor did not abrogate or modify it.

ogy and Canon Law in the Crisis of 1111," *Proceedings of the Fourth International Congress of Medieval Canon Law* (Vatican City, 1976), 55–80; Krause, "Dauer und Vergänglichkeit," pp. 233–235.

⁴¹ *Chron.* 2, p. 249, lines 1–6; line 1: "De privilegiis aecclesiasticis et constitutionibus sacris numquam corrumpendis neque violandis sanctorum auctoritates patrum quas autenticas reperimus . . ." lines 7–11 for privileges as private law: "privilegium quippe privata lex est, idest praecipua atque summa et excellentior omnium legum, quam nemo umquam violare aut corrumpere vel infringere poterit sana fide. dicitur etiam et decretum idest diu declaratum et ad purum examinatum."

⁴² MGH LdL 1:529–567 at 564: "Quae vero sunt ab imperatoribus tradita, quia non sunt aecclesiis perpetuo iure manentia, nisi succedentium imperatorum et regum fuerint iteratione concessa, dicuntur profecto quodammodo regibus et imperatoribus subdita, quia nisi per succedentes imperatores et reges fuerint aecclesiis confirmata, revertuntur ad imperialia iura." Krause, "Dauer und Vergänglichkeit," pp. 217–218 & n. 51.

⁴³ MGH LdL 2:658–666 at 666: "Ex legibus Justiniani: 'Omnia autem privilegia, que data sunt a nobis sacro[sanctis] ecclesiis et religiosis episcopis [et clericis siv]e monachis, teneant[ur immutabilia] . . .'" This law is similar to the edict of Otto [III], which Farfa's spokesman cited in the tribunal: "ut 'regibus et imperatoribus ea quae regni et imperii sunt, non sit licitum, nisi se viventibus, alicui tribuere, exceptis ecclesiis, et omne scriptum sive ius aut lex vel consuetudo quod Dei ecclesiis obistere videtur in irritum habeatur.'" *Chron.* 2, p. 241.

⁴⁴ Krause, "Dauer und Vergänglichkeit," n. 120, p. 237; Walter Ullmann, *Medieval Papalism* (London, 1949), p. 155 & n. 4 for other canonistic references.

Therefore, law continued to be valid unless specifically revoked by a successor, an act that was rare.⁴⁵ The compromise position was summarized by Bernold of Constance, priest and monk: "It ought to be known that Roman pontiffs are always accustomed to observe and follow the ancient [statutes] rather than to institute new ones, unless any rational cause requires it."⁴⁶

Thus, the Ottaviani's position in the arbitration proceedings with Farfa of 1103–1105 that law ceased to have validity on the death of its author reflected a view that was never widely held, and was soon to be rejected. Farfa's position on the perpetual durability of law would prove to be little stronger, for compromise was already evolving. But it drew support from the *Collectio Canonum* that Gregory of Catino compiled, and incorporated into the *Regestum*. His carefully selected canons have since been extracted as the *Collectio Farfensis*.⁴⁷ Later Gregory would integrate eleven canonistic excerpts from his *Collectio* into a smaller collection in the *Liber Floriger*.⁴⁸

Gregory mainly eschewed the *Collection in Seventy-Four Titles*, even

⁴⁵ Ibid., n. 115, p. 236; Cod. I 5, 51.1: "lex semper loquitur aut semper loqui praesumitur, nisi sit abrogata, quantumvis species eius raro incidat." *Codicis Sacratissimi imperatoris Iustiniani* (Lyons, 1612), book 12; Liber Primus, p. 38: "De sacrosanctis Eccles. Tit. ij. xii. Privilegia, quae generalibus constitutionibus universis sacrosanctis Ecclesiis orthodoxae religionis retro principes praestiterunt, firma, & illibata in perpetuum decernimus custodire."

⁴⁶ *Libelli Bernaldi Presbyteri Monachi*, LdL 2:1–168, Libellus X, *De Excommunicatis Vitandis, de Reconciliatione Lapsorum et de Fontibus iuris ecclesiastici*, pp. 112–142 at p. 141: "Sciendum sane, quod Romani pontifices semper magis antiqua exequi et observare, quam nova instituere, nisi aliqua rationabilis causa perurgeret, consueverunt." Chodorow, "Ideology and Canon Law," p. 65.

⁴⁷ Kölzer, *Collectio Farfensis*, pp. 127–253.

⁴⁸ *Liber Floriger*, pp. 35–44; e.g. p. 35, the rubric, "Quod decreta privilegiorum ecclesiasticorum perpetuo conserventur." and following: "E Christo domino propitio eiusque integerrimae genitricis semper virginis et dominae nostrae M(ariae) fultus suffragio omnium privilegiorum quae a summis pontificibus et preceptorum quae piissimis imperatoribus de perpetua huius coenobii libertate concessa fideliter auctoritates collectas notificare studuimus, quas observare et custodire per omnia sanctorum catholicorum patrum doctrinae irrefragabiliter docent. (p. 36) Gregorius Bonifatio primo defensori. Institutionis nostrae decreta quae sunt privilegiis et ordinatione disposita perpetua stabilitate et sine aliqua constitutionis refectione servari, sive quae scripto decrevimus seu quae in nostra presentia videntur esse disposita."

Nec a quoquam pontificum in totum vel in partem ea qualibet occasione convelli decernimus vel mutari. . . . (pp. 36–37) "Sicut apostolicae Sedis iura servantur, ita singularum ecclesiarum privilegia defendantur." citations continue through Pope Felix, p. 40: ". . . plenissime arbitramur nos denotasse veritatem illis qui fatentur privilegia vel constitutiones pontificales vel prelati Ecclesiae non posse valere, nisi illo qui edidit vivente." For conclusions, pp. 40–41; discussion of the Donation of Constantine, pp. 41–44.

though it had had an extraordinary impact on canonical collections between 1085–1140. Perhaps part of his reason was that one of its fundamental themes was Roman primacy. Nevertheless, he incorporated its titles on monasticism: Title III: *De privilegiorum auctoritate*; Title IV: *De monachorum monasteriorumque libertate*.⁴⁹ While Title III protected privileges of churches including monasteries, Title IV specifically defended monastic liberties.

From Title III Gregory excerpted a letter of Gregory I stating: "It is agreed that it is extremely serious and contrary to the sacerdotal office to attack the long granted privileges of any monastery or to seek to nullify those things drawn as for its peaceful existence."⁵⁰ Another of Gregory VI's letters is even more pointed: "We ordain that decrees of our institutions which have been established by our privilege and authority are to be preserved forever inviolate and without any infringement. We also declare that matters decreed in writing or seen to be agreed upon in our presence are not to be subverted or altered in whole or in part by any bishop at any time. It is highly irregular and especially hostile to the good conduct of priests for anyone to strive to rescind for any reason or excuse whatsoever those things which have been well ordered, and by his example to show others that his own decisions can be resolved at any time."⁵¹

The fact that Gregory of Catino selected these and other sources emphasizing the durability of decrees and monastic rights, and did not include authorities espousing reform legislation, does not imply that Farfa opposed the reform.⁵² In each of the contexts in which he

⁴⁹ Gilchrist, *Seventy-Four Titles*, p. 39; Variants suggest that he used its derivative, the *Collection in Four Books*, compiled in France c. 1085.

⁵⁰ Ibid., Title III, ch. 27, p. 87; Gregory's *Collectio Canonum*, Liber III, ch. 4; *Liber Floriger*, p. 36; Kölzer, *Collectio Farfensis*, p. 219.

⁵¹ Ibid., Title III, ch. 28, pp. 87–88; Gregory of Catino transmits this letter in Liber III, ch. 5; *Liber Floriger*, p. 36; Kölzer, *Collectio Farfensis*, p. 219.

⁵² Paul Fournier called attention to the absence of reform legislation in the *Collectio Farfensis*. "La collezione canonica del Regesto di Farfa," *Archivio della R. Società romana di storia patria* 17 (1894), 285–301. Following Fournier many historians have concluded that Farfa opposed the reform because collections including such legislation were conspicuously missing from its library. Moreover, the *Collectio* did not include such themes as papal primacy, investitures, simony, and nicolaitism.

Outside of papal primacy and investitures, however, Gregory of Catino shows that Farfa accepts the other objectives of the reform. e.g. *Chron.* 2, pp. 209–210: speaking against simony: "de obedientiis fratribus imperatis nullum munus more symoniaco suscepturum, et a se qui acceperit suum consiliarum repulsurum." *Regesto* 5, #1155, an. 1099, p. 160; The abbot, Oddo, swears to uphold the constitution of

cited canons his focus was on property and monastic administration rather than on ecclesiastical reform. The *Collectio* was not intended to be a general collection of canon law, and in this sense was similar to the collection in the *Chronicon S. Sophiae*, written for the Beneventan monastery in 1119.⁵³

With this exposition of Farfa's basic legal position in the arbitration proceedings, let us continue to examine their background. After the halcyon days of Berard I and Nicholas II Farfa will be rocked by turbulence as it continues to chart an uneasy course between its monastic and imperial moorings.

Hugo; among other things he swears: "Aecclesiam autem ac totum monasterium studebo meliorare, et in antiquum et iustum usum reducere iuxta meam possibilitatem. . . . De oboedientiis quas aliquibus ex fratribus dederō, nullum praetium accipiam in ore symoniaco, nec alicui meo consiliario, me consentiente, permittam."

In at least one respect the *Collectio* is more progressive than the legislation of Gregory VII. Similarly to *The Collection in 74 Titles*, it makes it possible for the lower clergy to lodge complaints against the higher.

⁵³ O. Bertolini, "La collezione canonica Beneventana del Vat. lat. 4939," *Collectanea Vaticana in honorem Anselmi M. Card. Albareda I* (Studi e testi 219) (Vatican City, 1962), pp. 119–137; Kölzer, *Collectio Farfense*, pp. 81–82, 92, 98–100, 116; The author of the prologue of the *Regestum* may have been Johannes Grammaticus, consecrated abbot of S. Sophia in 1120, and died in 1128. H. Meier-Welker, "Die Simonie im frühen Mittelalter," *Zeitschrift für Kirchengeschichte* 64 (1952/53), 61–93, esp. 87–88.

CHAPTER FOUR

FARFA BEFORE THE TRIALS

Berard I and Henry IV

Both Berard I and Henry IV were determined not to let the bonds between Farfa and the empire slacken. In 1065, only five years after Nicholas had guaranteed Farfa's liberties, and the first year of Henry's majority, Berard petitioned the young king. Describing Farfa as roiling in stormy and perilous seas, he implored Henry to bring the ship to safe port. Henry readily responded. He reaffirmed Farfa's status under the emperor alone, and confirmed its possessions.¹ Hildebrand and Alexander II, who had succeeded Nicholas II in 1061, did not appear to regard this confirmation as a threat to good relations with Farfa. Indeed, Hildebrand maintained this state of harmony even after he himself became pope.²

But the honeymoon did not last, for as Hildebrand's ambitions became more antithetical to the interests of the empire, Farfa was drawn into the fray. In his capacity as *oeconomus* and archdeacon

¹ *Regesto* 4, #976, pp. 355–356. "Berardus . . . petit, ut eiusdem aecclesiis uariis persecutionibus laboranti pietate debita subueniremus, et eam inter tot tempestatum turbines fluctuantem, ad portum quietis prioremque statum regio nostro moderamine reduceremus. . . . [accedes to petition] Reformamus igitur nostro aedicto regali praefatam aecclesiam legibus et usibus antiquis, nullique eam nisi regiae singulariter ditioni subiacere sancimus, et omnia bona sua mobilia et immobilia. . . . [possessions, locations, and public functions; after mentioning the litigious property in Corneto] De quibus speciali edicto praecipimus, ut nullam praenominata pharphensis aecclesia iudicium subeat, nisi in nostra uel certi nostri nuntii praesentia."

Chron. 2, p. 153: "Heinricus autem divina favente clementia quartus rex, precatu domni abbatis Berardi, et optentu domni Adelberti Amaburgensis archiepiscopi, per sui paginas praecepti hoc monasterium in priorem statum regio moderamine reduxit, et reformavit edicto regali legibus et usibus antiquis, nullique hanc aecclesiam nisi regiae singulariter dicione subiacere sanxit, et omnia bona illius mobilia et immobilia confirmavit. . . ." *Liber Floriger*, pp. 32–33; Archangelus de Alexandris, fol. 68v; Vehse, "Die päpstlichen Herrschaft," pp. 156–157. Henry's diploma is much shorter than the one that Henry V will issue in 1118, and does not detail every possession of Farfa.

² In a tribunal held at the Lateran in 1072 when he was still archdeacon Hildebrand ruled in favor of Farfa in a dispute with Sts. Cosma and Damiano in Mica Aurea. In 1073 as pope Gregory made another judgment in favor of Farfa. *Chron.* 2, pp. 157–159.

Hildebrand had already pushed the papacy in secular directions, and had strengthened its finances. As pope he took the first formative steps to edge the papacy in the direction of monarchy. Like secular monarchs the popes needed a “kingdom,” and Latium was to be their kingdom—the *Terra Sancti Petri*. From Gregory’s reign popes became more itinerant, making their spring rounds of Latium in the manner of German kings. Gregory of Catino’s direct experience with the papacy began during this period, and his negative perceptions no doubt colored his attitudes toward the papacy in general. Looking back over the history of Farfa he saw a thread of papal aggression commencing even before the Donation of Constantine, forged in the eighth century to justify papal rulership of the West.³

Gregory of Catino believed that Gregory VII radically diverged from reliance on the Donation of Constantine to support papal claims to secular authority. Instead of appealing primarily to powers granted by Constantine, Gregory VII threatened those loyal to the emperor in the name of religion. The counts of the Sabina quickly saw that they too could use religion to justify their offensives against Farfa. After 1080 most of the families and militia who defended Farfa responded to this strategy by recognizing Clement III, dating donations to Farfa in his name. But with whatever reservations, Berard I continued to recognize Gregory VII as the legitimate pope.⁴

When the break between Gregory VII and Henry IV came, Farfa might have been torn, but it concluded that its interests lay in maintaining its imperial ties. It opted for Henry, and continued to sustain the beleaguered monarch even after Gregory’s ultimatum to desist

³ *Chron.* 1, pp. 293–300: Heading, p. 299: “Incipiunt relationes ex autenticis assumptae de preiudicio quod fecerunt nobis actores sanctae Romanae Ecclesiae in Sabinis. . . .” “Item relationes de his quae domnus apostolicus nos investivit et actores eius nobis retulerunt.” p. 300: “Haec omnia iccirco hic annotare curavimus ut huius sacri coenobii antiquissimas terrarum vel aecclesiarum sive servorum colonorumque possessiones panderemus, et cunctis intimaremus, nos a sanctae Romanae Aecclesiae actoribus multotiens sustinuisse incommoditates, et non benivolentiam sed potius invidiam, non benignitatem sed contradictionem, non augmentationem sed minorationem, non iustitias sed praepiudicia, non diligentiam sed calumniam, non augmentum sed amplius detrimentum in suis bonis, et hoc perperum fuisse monasterium.” Schuster, *Abbazia di Farfa*, p. 246 & n. 3; for the Donation of Constantine see *Quellen zur Geschichte des Papsttums und des römischen Katholizismus*, 5 vols., ed. Carl Mirbt (Tübingen, 1934), 6th ed., Kurt Aland (Tübingen, 1967), vol. 1, pp. 251–256; for some of the secondary works see Mary Stroll, *Symbols as Power: The Papacy Following the Investiture Contest* (Leiden, 1991), n. 61, p. 32.

⁴ Schuster, *Abbazia di Farfa*, p. 246.

from any support.⁵ It may not have been a coincidence that Gregory granted S. Paolo fuori le mura an exceptionally long privilege in 1081, the year before Berard regally received Henry at Farfa, and took him into the brotherhood of monks.⁶ I have suggested that the privilege could have been a signal that the papacy intended to build a bulwark against the recalcitrant imperial monastery.

Henry, in turn, invested Berard personally with the property of the monastery, and promised to help him retrieve and defend what had been lost. He directed his soldiers to expel Rusticus from Fara, and thereafter he restored this fortress to Farfa.⁷ But while benefiting from this tangible support, Berard continued to maintain his distance from Clement III, who was still ambiguously referred to at Farfa as *archiepiscopus Ravennas papa dictus*.

In June, 1083, Berard was present in Henry's camp just outside of Rome, where we remember that count Guido handed over property in the church of Santa Maria in Minione.⁸ On June 10, Rodilando, count of Roccione, also relinquished everything that he had confiscated from Santa Maria in Minione and Viterbo.⁹ The two concessions show the emperor's efforts to enforce Farfa's rights over Santa

⁵ Heinzelmann, *Streitschriften*, p. 68.

⁶ Trifone, "Le Carte del monastero di San Paolo," pp. 278-285.

⁷ *Regesto* 5, #1098, p. 94, anno 1082: "Domnus Heinricus quartus gloriosissimus rex Deoque coronatus, piissimus augustus imperator tertius, ad hoc Farfense devotissime veniens coenobium, a cunctis fratribus nobilissime ualdeque honorifice et amantissime susceptus est, nimis qui ante ab omnibus fuerat desideratus. Cum quibus pacifice locutus, coram omnibus abbatem nostrum uenerabilem domnum Berardum, de castro pharae et de omnibus istius monasterii rebus quocumque tempore legaliter acquisitis et a quibuscumque iniuste aliquando inimicis sanctae aecclesiae invasis et contra rationem retentis, inuestituit, cunctaque bona, sibiue pertinentia praefati monasterii, illi se restituere spondit, et uelut propriae regalisque camerae ius, in omnibus se defendere promisit. Cum uero a cunctis senioribus ac fratribus benignissime in societatem atque fraternitatem perpetuae orationis deuoto pacis osculo fuisset susceptus, et nomen illius uel quorundam suorum fidelium in libro commemoratio foret ascriptum, statim direxit exercitum suum contra praedictae pharae castrum, a quo eiecto expulsoque R. crescentij quondam filio . . ." *Chron.* 2, p. 172.

Mabillon, *Annales Benedicti* 5, p. 169: "Antequam Romam obsideret Heinricus ad Farfense accessit monasterium, cujus abbatem Berardum de castro Farae & de omnibus monasterii investit, seque in fraternitatem & societatem orationum adscribi postulavit. Inde ad praedictum Farae castrum profectus, ex eo Rusticum Crescentii quondam filium, qui illud invaserat, expulit, ipsoque die castrum Farfensibus restituit." Rusticus was the father of Sinebaldo, who in turn was the father of the Rainaldo who would arbitrate the dispute between the Ottaviani and Farfa. No doubt both Farfa and the Ottaviani took Henry's expulsion of Rusticus into account when they agreed to accept Rainaldo as an arbiter of their dispute in 1103-1105.

⁸ *Regesto* 5, #1077, pp. 72-73.

⁹ *Ibid.*, #1078, pp. 73-74.

Maria in Minione and its valuable holdings. While still in Rome on June 16 Henry granted Berard a campus in Kinzica, which he described as a royal *vinea dominicata*, and other property. He emphasized the value of the donation by stating that he signed the document with his own hand, and stamped it with his seal.¹⁰

1084 was a watershed for Henry IV and Gregory VII. In March of that climactic year Henry held a tribunal in Rieti at which Berard and Counts Oddo and Ottaviano, his future opponents in the tribunals of 1103–1105, were all present. Berard complained that certain men had confiscated various pieces of Farfa's property. Henry ruled in favor of Berard, and invested him with all of the contested property. In addition Henry granted him the bannum.¹¹ On March 21 the Romans opened the doors of the city to Henry, and three days later he summoned a synod in St. Peter's. Gregory VII was deposed, and Guibert of Ravenna was recognized as pope Clement III. On March 31—Easter—Clement crowned Henry as the emperor.

At this point Farfa finally joined the throngs of other prelates in recognizing Clement. After a large number of cardinals went over to Clement, and Gregory VII fled to Salerno with Robert Guiscard, there were no longer compelling reasons for holding back. Farfa began dating documents in Clement's name, but even then their relationship remained uneasy. Farfa's formal recognition strengthened Henry against Gregory VII and his Norman allies, but it did not benefit Farfa directly. It did not come as a great surprise, therefore, that when Victor III was elected two years later, Farfa recognized him as Gregory's successor.

In April before departing from Rome Henry held court on the Capitoline, where he ruled in favor of Farfa in a dispute over Civitavecchia.¹² Farfa was awarded half of this coastal city near Corneto

¹⁰ Ibid., #1098, June 16, 1083, pp. 93–94; p. 93: "concessimus et tradendo firmauimus, firmando tradidimus . . . campum illum qui est in Kinzica, qui fuit uinea dominicata regis . . ." *Chron.* 2, pp. 171–172.

¹¹ Ibid., #1088, an. 1084, p. 83: "... domnus heinricus dei gratia rex, ad causas audiendas ac deliberandas, residentibus cum eo iohanne, guilelmo et petro iudicibus, guidone marchione, arderico mediolanensis, herizone ueronensi, Octone et ottauiano germanis fratribus, iohanne filio sigenolfi comitis, crescentio comite marsicano, et randisio, et caeteris [Berard and his advocate, Sarracino, come before the placitum] Cuius praecibus benignissimus rex aures inclinans, per fustem quem in manu tenebat inuestiuit praedictum Berardum abbatem ad uicem iam dictae aecclesiae de omnibus supradictis terris et rebus quae superius leguntur. Insuper misit bannum super iam dicto abbate . . ." Mense martii, indictione vij; *Chron.* 2, p. 169.

¹² Ibid., #1097, pp. 92–93; p. 92: "Anno deo propitio pontificatus domnj clementis

with all of its churches and their pertinences. The report of the proceedings contains evidence of what may have been an important connection between the emperor and Farfa, for Henry's advocate bears the same name as the one used by Farfa in 1088.¹³ One of the emperor's first acts after his coronation was to confirm Farfa's possessions and privileges. In Henry's presence, Berard exhibited the diplomas recording imperial privileges and confirmations going back to the kings of the Lombards. The emperor confirmed these privileges, those granted by popes, and donations made from diverse people. He also recognized Farfa's liberties.¹⁴

While sitting in court at S. Valentino on May 24 after leaving Rome, Henry had Bishop Rainerius of Vercelli invest Berard with the church of S. Valentino. He also granted Berard the imperial *bannum* with one hundred pounds of pure gold.¹⁵ Since S. Valentino

summi pontificis et uniuersalis tertii papae, primo. Et imperante domno heinrico. . . Mense aprilis, die xxviii, indictione vij. . . p. 93: Huius rei optentu, tanta inter eos [abbot of Farfa and count Sasso] orta fuit intentio, ut praesentiam imperatoris heinrici, huius litis perlata fuit disceptatio."

¹³ Ibid. One of the signatories was "Caro urbanae causidicus praefecturae." In the case Farfa brought against Rustico and Crescenzo in 1088 the judgment states: "Donadeus praepositus monasterii beatae MARIAE quod dicitur in pharpha, carone eiusdem monasterii aduocato loquente." Ibid., #1115, an. 1088, p. 116; Hirschfeld makes this connection. He also explains the relationship between the Causidicus Caro and the Roman prefecture. The prefect of Rome, "Petrus, sich dem Kaiser und dem Gegenpapse zugewandt hatte, und es nahe lag, den Präfekten, den der Kaiser als Vertreter seiner Rechte und Ansprüche in Rom betrachte, zum Verleiher eines vom Kaiser geschaftenen Amtes zu machen." *Das Gerichtswesen*, pp. 504-505.

¹⁴ Ibid., #1099, pp. 95-99; Mabillon, *Annales Benedicti* 5, p. 187. Anno 1084. "In illa porro expeditione novus imperator omnia Farfensis monasterii privilegia & universas possessiones cellasque confirmavit. In earum enumeratione recenset inter alia in urbe Roma cellam sanctae-Mariae in crypta Agonis, & ecclesiam sancti Benedicti in loco, qui dicitur Scorticlarri, cum fundis, quos Leo papa IX. Bonae recordationis sanctae Mariae contulerat . . ." There is no exact day, but in the *Chronicon* it follows the description of Gregory VII's refuge in the Castel S. Angelo. *Chron.* 2, pp. 173-179.

¹⁵ Ibid., #1100, May 24, 1084, p. 100: "Deo propitio, anno primo pontificatus domnj claementis summi pontificis et universalis papae. . ." [investiture of S. Valentino] Insuper misit imperiale bannum super iam dictum Berardum abbatem, et super praedictam aecclesiam sancti ualentini, et omnes eius pertinentias et adiacentias, uidelicet C. librarum auri optimi, ut [no one can molest the church];

Chron. 2, p. 179; emphasizes that while Henry was there, he learned that the church already belonged to Farfa: "eo [Henry] iubente, Rainerius Vercellensis episcopus per hostium et clavem investivit domnum B[erardum] abbatem de ipsa aecclesia Sancti Valentini ad proprietatem huius monasterii, sicut continetur in praecepto imperatoris maioris Ottonis et bannum suum misit librarum. c. optimis auri. quod factum est anno primo pontificatus domni Clementis III papae, die vigesima quarta mensis maii."

was a borgo of Viterbo, the traditional staging point for imperial undertakings in Rome, Farfa's presence there armed with gold and the *bannum* strengthened the imperial base.

Berard II

Berard I died in 1089, and in a disputed, uncanonical election, the monks chose the inexperienced Rainald as his successor.¹⁶ When Rainald proved to be inept, the monks found a technicality to invalidate his election. Taking advantage of the lack of leadership, nobles plotted insurgencies. In 1089–90 the conspirators gained the support of Clement III, again derisively entitled archbishop of Ravenna, *papa dictus*.¹⁷ Since there was no one at Farfa to stave off the depredations of the surrounding nobles, and the monastery was falling into ruins, the monks realized that they must solicit the help of the emperor.

They drafted a letter to Henry, but since they had no money, they were unable to secure a legate to deliver it.¹⁸ While they were wrestling with this problem, a nephew and namesake of the deceased abbot secretly made his way to the emperor's court. He claimed the right to succeed his uncle, and probably at least seeing in him a known quantity, Henry acceded to the interloper's request. Accom-

Mabillon, *Annales Benedicti* 5, p. 187: "quo tempore [1084] Rainerius Vercellensis episcopus praesente Heinrico cum pseudopontifice Clemente Berardum Farfae abbatem de ecclesia sancti Valentini in burgo sancti Valentini dioecesis Viterbiensis posita per ostium & clavem investivit mense Maio, die xxiv, anno primo pontificatus Clementis."

¹⁶ Ibid., 122–123 & n. 1; *Chron.* 2, p. 205; some wanted to elect Regizo, but the "sanior pars" resisted: "continuoque quasi praecipiti subitaneoque assensu omnium, contra sanctorum canonum sanctiones, adhuc instante nocte et necdum humato praedicto migrato pastore, domnum Rainaldum elegimus." There are some differences between the ms. and the edition of the *Chronicon*. Heinzelmann, *Streitschriften*, p. 71; Schuster, *Abbazia di Farfa*, p. 230.

¹⁷ Ibid., 122; After the death of Berard I and the election of Rainald c. 1089: "Interea multas praeparabant nobis hi maxime qui huius monasterii bona possessionesque moliebantur inuadere. Qui etiam contra nos archiepiscopi rauennatis, papae dicti, animum prouocauerunt, et huc super nos conduxerunt, et ut eius iussione alium eligeremus abbatem omni conanime studuerunt. Nos autem uiriliter consistentes, inflexibiles extitimus, et pro huius monasterii antiqua libertate fortiter dimicauimus." *Chron.* 2, p. 207; Archangelus de Alexandris, fols. 72v–73r.

¹⁸ *Chron.* 2, p. 208: "nos autem valde in plurimis afflicti hoc ad ultimum reperimus consilium, ut ad imperatoris praesentiam euntes, omnia denuntiare veraci studeremus relatione, quatinus ipse imperiali patrocínio corrigere et ordinare dignaretur, et aecclesiam hanc speciali provisa dignius tueretur. sed quoniam viaticam pecuniam utpote regulariter inopinati monachi minime habebamus, eundi moras facere compulsi sumus."

panied by imperial envoys he returned to Farfa, where in June, 1090, the monks accepted him as Berard II.¹⁹ The procedure made a mockery of the free elections guaranteed by Henry IV.

Berard II formally swore that he would observe the good customs of Farfa, and preserve its castles and lands. Further, he promised to place the castles under the protection of humble men—especially monks—rather than giving them into the hands of powerful laymen.²⁰ The oath reveals the monks' apprehension over their own weakness in the face of the power of the nobles, who were influential on the abbatial court. Even though most of the monks were also scions of noble families, in general they transferred their allegiance from their families to Farfa. They insisted that they have a voice in the governance of the abbey, and they preferred that Farfa's castles not be put into the hands of nobles like the Ottaviani, who had the power to dominate the abbey. The oath is one of the first instances revealing class tensions that will issue in future conflicts, especially those following the death of Berard III in December 1119.

Once consecrated, Berard II ignored his oath, and established an administration flagrant for its pomp and frivolity. Instead of observing the Cluniac rites adopted by the great reformer, Hugh I, he introduced new practices that Gregory of Catino describes as extremely vile.²¹ To support his extravagances, Berard gave the best lands of Farfa's patrimony in *enfiteusi* to such tumultuous counts as the Otricoli and the Marsi.²² Not only the nobles, but also the pope

¹⁹ *Regesto* 5, p. 123; *Chron.* 2, pp. 209–210; Gregory calls him “Berardus florentinus.”

²⁰ *Ibid.*: “. . . sacramentum ab eo iurisiurandi de bonae consuetudinis observantia exegimus. . . . Nullum castellum aut terram alicui se daturum de quo suspicio uel damnum fieret in futurum, praecipuas res et utiles non tantum cum laicis quantum cum omni congregatione se acturum. Dominium castellorum non laicis eminentibus sed humillimis et maxime monachis se daturum.” Schuster (*Abbazia di Farfa*, p. 231) points out that the monks were fighting against the power of the nobility.

²¹ *Ibid.*, 155–156; *Chron.* 2, pp. 214–216: “Igitur praedictus domnus Berardus Florentinus abbas secundus in huius praelatione regiminis confirmatus, eos qui pro illo de istius honore abbatae studuerunt, exosos habere coepit et a se repellens abiecit. quibusdam etiam plurimas iniurias irrogavit. quosdam vero illorum Deus percussit et morte detestabili ac repentina obire fecit. . . . (p. 215) denique antiquae consuetudinis plurima mutabat, et quasi libera utens potestate, suis iussis sepius contristabat hanc congregationem. sacramentum quoque quod nobis iuravit in nullo penitus observavit, et utpote fallacissimus, in veritate et in promissionibus non stetit. se etiam pannos praetiosissimos et nostri ordinis insolitos, nos vero volebat despicabiles indui et vilissimos. multa quoque ut vorator gulosus et caenodoxus distrahebat, et extraneam vilissimamque super nos doctrinam inducere gestiebat.”

²² *Ibid.*, 155; *Chron.* 2, pp. 215–216: “castella quippe et omnia bona filiorum Ilperini,

took advantage of the chaos created by Berard's corrupt rule.²³

The granting of lands in *enfiteusi* entailed a lease, generally extended to three generations.²⁴ Gregory of Catino strongly opposed the current practices of abbots who, he claimed, used this traditional form for granting lands in return for only a small yearly fee. Such practices, he complained, benefited the recipients, but did not assure the security of Farfa's properties and increase its holdings.²⁵ As a sign of his strong condemnation of this abuse, he cited six canonical excerpts, four of which he culled from the *Collectio Farfenses*. Worried about the dissipation of Farfa's property, Gregory begged permission from Berard to begin recording its charters in the *Regestum*.²⁶

Gregory not only saw Berard II as profligate with Farfa's patrimony, but also as dissolute and cruel. He records a dream as a metaphor for the depths of Berard's depravity.²⁷ On a certain night one of the

scilicet .vi. castella quae per cartulas concessionis huic contulerant monasterio, pavidè latenterque amisit et retinere neglexit, faciens cum Rainaldo comite pactum in futurum legaliter damnabile [haec vero nomina sunt illorum: Trebulae, castellum de Hilperino, castellum de Ginestra, podium de Pizo, podium de Cauda Moza, et castellum de Hugo]. . . . quod contra nostrorum libertatem praeceptorum agere videbatur, in quibus continetur, ut nullus abbatum audeat inscriptiones exercere libellorum vel praecariorum nisi prius ab imperatore confirmatus, a catholico pontifice consecratur."

²³ Ibid., 308–310; encomium to Berard III in which he describes the preceding reign; p. 309: "Enimvero ipsius praelationis diebus periculosa tempora perspeximus, et quaedam inaudita contraria aduersus hoc monasterium inuidiae causa a nostris uicinis, et maxime a pontifice romano, iniuste effici minime ignoramus, quae ille omnipotentis domini iuuamine eiusque suffragio genitricis, immensa certaminis pondere pertransiuit uiriliter. Defuncto denique Berardo ij abbate, haec ecclesia Farfensis in maximam devenit defectionem . . ." *Chron.* 2, p. 258.

²⁴ For grants in *enfiteusi* such as are recorded in the *Liber Largitorius* see Thomas F. X. Noble, *The Republic of St. Peter: The Birth of the Papal State, 680–825* (Philadelphia, 1984), pp. 245–246; Schimmelpfennig, *The Papacy*, p. 59.

²⁵ *Chron.* 1, p. 235; Kölzer, *Collectio Farfense*, p. 113 & n. 32.

²⁶ *Regesto* 5, p. 155; *Chron.* 2, p. 214: "denique Sarracenum qui habitum monachicum amiserat, et Iohannem quemdam Langobardum qui noviter conversatus fuerat, huius negoti mendacissimos auctores, absque penitudine vidimus interire, et sine sancta communione infra dies plus minus decem vel menses .l. post illius honoris sublimationem. attamen idem abbas post aliquantum tempus hoc fieri annuit cartarum mirificum opus, sicut praephatiuncula eiusdem operis veraci stilo intimavimus."

²⁷ Ibid., 155–156; after narration of Berard's tyrannical rule; p. 156: "De quo uidelicet praefato abbate, quadam nocte uisio terribilis uisa est, scilicet quod tenellum puerum et innocentem, coctum assatumque comederet. Cuius cum cocta membra minutatim incisa pene deuorata haberet, quidam ante illum assistentes, cum haec uiderent, foras fugerunt prae stupore. Iterumque paulo post ingressi, ut huius intuerentur crudelitatis finem, uidebant quod iam in cerebro pueri intinctum panem aide manducaret. Et cum hanc quidam frater in capitulo coram cunctis referret somnii uisionem, illius suppresso nomine, idem ipse, ut credimus, abbas, ueritatis spiritu compellente, interpretatus est dicens: Pro certo sciatis omnes, quia ille de quo

brothers had a vision that Berard was eating a delicate young boy, who had been cooked and roasted. When some of those around him saw that he had cut off and was devouring the boy's penis, they fled outside in horror. When they returned they were confronted with the end of the horrible scene. Berard was voraciously eating the child's brain with bread. One day the monk described this vision to the other monks in chapter without revealing any names. Compelled by the spirit of truth, Berard himself volunteered to interpret it. He said that all of them knew for certain that the person in the vision was a man of death. For these horrible and wicked deeds, Berard stated, he has earned my personal condemnation, and that of this house. Those who heard the interpretation knew that this prophesy was the judgment of God, and that Berard had unwittingly spoken about himself.

By 1097 a wave of enthusiasm to rebuild the abbey on top of Mount Acuziano had gathered force. The ambitious project was intended to rival the magnificent new abbey built by Desiderius at Montecassino. A council of the brethren was summoned, and a decree issued indicating that certain unnamed Roman magnates also promoted the project.²⁸ But the exorbitant impositions that Berard demanded to finance the edifice, and his misuse of those funds finally pushed the monks into revolt. Probably animated by Gregory of Catino, a group of them made their way to Rome, where they consulted with members of leading families over how to inform the emperor about Berard's excesses.²⁹ An embassy to the emperor never

haec uisio fuit, est uir mortis, et in rebus pessimis ac nefandis domus huius et mei grauissimi damni, manum tenet flagitiose. Quod qui nouerunt mirati sunt, et cognouerunt hanc dei iudicio prophetiam ab illo fuisse ignoranter prolatam." Schuster, *Abbazia di Farfa*, p. 232.

²⁸ Ibid., #1153, pp. 156–157; The narrative preceding the decree states: "plurimi etiam romanorum ciuium magnates hoc uotis omnibus niterentur . . ." decree: "Et hoc beatae MARIAE uoluntate, atque quorundam dei fidelium romanorum, quorum nomina deus scit, iuuamine et exoracione incipimus . . ." #1154, p. 158 for list of impositions for financing project; *Chron.* 2, pp. 216–218.

²⁹ Ibid., 159, an. 1099; Gregory accuses Berard of pretending to collect money for the new church, but instead of keeping it for his own use or of giving it to his family: "Quam non ut finxerat ad aecclesiae renovationem colligebat, sed in proprios libitus uel consanguineorum usus dispergere festinabat. . . . quidam hoc non ferentes huius congregationis fratres, de monasterio recesserunt, et cum aliquibus capitaneis uel romanorum ciuibz fidelibus aliquantis, zelo rectitudinis satagere moliebantur, ut salua domini imperatoris aequa fidelitate, ab huius monasterii praedictum abbatem compescerent diuastatione, et sacramenti quod nobis fecerat rationabiliter eum facere recognoscerent praeuaricatorem, et ne amplius dominus haec per illum

was sent, but intimidated by the opposition, Berard ceased construction on the new building. Within a short time he became ill, and on February 25, 1099, he died a horrible death without receiving holy communion. Indeed, Gregory reported that when the brothers tried to put a sacred wafer in his mouth, a gush of saliva continually repulsed it.³⁰

Berald III

Moving in excessive haste to choose a successor who would exhibit none of Berard's excesses, the monks elected the studious, but limited Oddo.³¹ Oddo swore to preserve the *Constitutio* drawn up by Hugh I that introduced the customs of Cluny, and he promised to return Farfa to its former state.³² The task far exceeded his capabilities, however, and as Oddo became ever more tyrannical in trying to compensate for his deficiencies, Farfa once more fell into a state of anarchy. The monks again thought of reverting to the emperor, and this time they were more successful. A few of them succeeded in contacting Berald, son of the count of the family of the Ascari, in Ophida where he was prior.³³ Berald agreed to accompany them to the imperial court, but before they set out, Oddo providentially died. The legation returned to Farfa, and in conformance with all of the requisite procedures, on May 23 the monks joyously elected Berald as Berald III.³⁴

More than Berald personally, it was probably his family that rec-

dissiparetur studerent, donec domno imperatori fideliter intimarent." *Chron.* 2, pp. 219–20; Schuster, *Abbazia di Farfa*, pp. 236–238.

³⁰ *Ibid.*, 159; *Chron.* 2, p. 223; cf. *ibid.*, 258. The description of his death suggests that Berard may have been poisoned.

³¹ *Ibid.*, an. 1099, p. 159; *Chron.* 2, p. 223.

³² *Ibid.*, #1155, an. 1099, p. 160.

³³ *Ibid.*, 160–161; p. 161: "Tunc uisum est nobis utilimum consilium, ut ad domnum Beraldum aschari filium, qui tunc in ophida praepositus erat, iremus, et simul cum ipso de nostri libertate monasterii apud domnum imperatorem perfectius studeamus." *Chron.* 2, pp. 226–227, 258; Heinzelmänn, *Streitschriften*, p. 77; The final "r" in "Berardus" changes to "l". S. Boesch Gajano, "Berardo," *Dizionario biografico degli Italiani* 8 (1966), pp. 767–775. The last name is spelled in diverse ways: e.g. Anscario, Ascarelli.

³⁴ *Ibid.*, 161: "Quod omnis congregatio cum plurimis bonis hominibus uidens, benivolo animo hoc sacramentum quasi iam factum accipiens, indulsit. Tunc uero pari uoluntate morosaeque deliberatione, magno cum gaudio elegimus domnum Beraldum super nos pastorem, et continuo posuimus in sede."

commended him to the monks as the abbot most capable of guiding Farfa in this time of turmoil. The Ascari (Ascareli) constituted one of the most powerful families in all of the Sabina, and although in the election of 1119 their name would stand as a symbol of all that the monks found to be reprehensible in their noble abbots, in 1099 it represented stability.

Like Gregory, Berald had entered Farfa as a boy, and had received his education there under the good days of Berard I. Perhaps showing proclivity toward administration, he became a deacon. Following precedent, after his election he promised to abide by the constitution of his illustrious predecessor, Hugh I. He pledged to rule the abbey with its monasteries, churches, lands and castles for the utility of all of the monks, servants, orphans, widows, and people in fidelity to the emperor.³⁵ By emphasizing the weak and the defenseless, Berald may have been sending a signal that he would bend his efforts on their behalf rather than favoring the nobility from which he sprang.

Berald celebrated his first vespers on the feast day of S. Euticio, founder of the famous monastery of Norcia. Gregory of Catino records the dream of a learned monk at Farfa in which Euticio spoke to Adam, the uncle of Berald, telling him to send his nephew to destroy the idols, to light the fires, and to celebrate his feast that occurs on the day that Berald accepts his post. At Farfa the dream was interpreted to mean that Berald should be sent to Farfa to purge the abbey of its excesses.³⁶

Berald's energetic government put a damper on the violence of the counts and their militia.³⁷ Not only was he able to restore order

³⁵ Ibid., #1310, pp. 297–298: “salua serenissimi domini nostri Heinrici semper augusti imperii fidelitate . . .” *Chron.* 2, pp. 226–228; p. 227: “Post haec illum petivimus humili fidelique depraecatione, ut benigni regiminis mores et optimae consuetudinis observationem, sicut eius alii iuraverunt antecessores, nobis per sanctam Regulam se observaturum bonae fidei facere dignaretur veridicam promissionem. quod libentissime annuit . . .” Schuster, *Abbazia di Farfa*, p. 241.

³⁶ *Chron.* 2, p. 228: “Manda nepoti tuo Pharpheis abbati, innuens ut destruat ydola lucosque succendat. meam quoque festivitatem, quae ipso die evenit in quo abbatiam suscepit, decentissime celebrare faciat, ut me tutorem suum Deo auxiliante suis in causis habeat’ . . . itaque totius regimen conuentus coepit uigilanti studio perficere, et maximam de nobis curam habere, ecclesiaeque decus sollerter ampliare.”

³⁷ *Regesto* 5, pp. 308–310; *Chron.* 2, pp. 229, 258; p. 229: “si quando enim aliqui subditorum delinquens ferebantur, ipsi solummodo puniebantur et corripiebantur. immunes vero et sine culpa cum iniquis minime condemnabantur. interea capitani et comites ac viri nobiles, fortitudinem illius experientes, aliquantulum a nostra lesione cessarunt, et cum non possent apertius, clandestinis machinationibus mala contra

and to replenish the treasury, but also to reinstate the monastic observances.³⁸ Gregory of Catino praised him as the leader who returned Farfa's honor and its dissipated wealth.³⁹ But although everyone—high and low—admired these accomplishments, Berald was not beyond reproach. The abbey's opponents continued to nibble away at any vulnerable targets, and the last years of his reign were a time of troubles.⁴⁰ Berald's handling of these problems earned him the reproach of having acted as a tyrant and as a *bonorum distractor* of the monastery. After his death even Gregory admitted that he had favored his relatives.⁴¹

Whatever his excesses, Berald was a formidable abbot, who restored Farfa's wealth, and in showcase tribunals in 1103–1105, fought for its liberties. His opponents were Oddo and Ottaviano Ottaviani, and possibly behind them, the papacy itself. Let us see who the Ottaviani were, and how they related to Farfa before the tribunals.

hoc monasterium exercere moliebantur. . . . [because Berald was able to deal with them, they turned to other areas] ceperunt oblationes mortuorum de suis terris et hic virorum sepeliendorum et quaeque munuscula solita invidiose suptrahere, et in quantum quibant huius ecclesiae antiquissimam libertatem minuere, et domno abbati, in quibuscumque causis valebant, omni nisu lesiones facere, et ne huius bona monasterii augmentare posset contrarii per omnia existere." Schuster, *Abbazia di Farfa*, p. 242.

³⁸ Ibid., #1213, pp. 204–205; Berald complains to Werner, duke and marquis of the Marche, over violence and sacrilege committed against Farfa by the brothers, Morico and Carbone, p. 204: "et postea in ecclesiam dei irruerunt et crimen sacrilegii commiserunt, quia altaria expoliauerunt, libros et paramenta abstulerunt, monachum infra dormitorium apprehendentes exuerunt. . . ." #1214, pp. 205–206, an. 1099–1119: "... Beraldus uirtutibus et nobilitate vir clarissimus, zelo iustitiae et ultionis divinae accensus, contra pestiferas . . . machinationes potenter se erexit. Saepe de ipsis sacrilegis ecclesiae dei ac genitricis eius inuasoribus nobis reclamauit. . . . Deinde praefatus abbas, deo coelitus et eius sancta genitrice uictoriam sibi administrante, uindex praeteritorum malorum potenter extitit, contra eosdem hostes praeualuit ipsosque de bonis ipsorum omnibus prorsus exhereditauit." Schuster, *Abbazia di Farfa*, p. 257.

³⁹ Ibid., 308–310, Gregory's encomium to Berald.

⁴⁰ Ibid., 309; *Chron.* 2, pp. 229, 259; Boesch Gajano, "Berardo," p. 769.

⁴¹ Ibid., 310: "In his enim ueraciter est laudandus praefatus abbas Beraldus bonaeque memoriae in posterum habendus, sed in eo aliquantulus culpandus quia in aliquibus segnis fuit, et ultra modum consanguineos dilexit, quod ut ei indulgeat dominum attentius deprecemur." *Chron.* 2, p. 258: "haec iccirco fatemur quoniam quosdam simpliciter, quosdam uero inuidiose novimus musitare de domni patris nostri Beraldi praelatione. aiunt enim, illum ceu tyrannum et bonorum distractorem fuisse cenobii huius, ideoque in eo aliquomodo scandalizantur."

CHAPTER FIVE

THE OTTAVIANI

The local conflict between Farfa and the Ottaviani burgeoned into a sophisticated political drama revolving around the struggle between the Titans—the papacy and the empire—for ultimate authority over western Christendom. To understand the import of the issues raised, we must further investigate these counts to see what they represented. We must ask if they themselves could have constructed such a spectacular defense, or whether they derived their learned arguments from the subtle theoreticians of the papal curia.¹ In essence, did the Ottaviani serve as thinly veiled surrogates for the papacy, and Farfa for the empire, or was each party fighting for its own cause? We have already seen that they vied with one another in the ruins of the *terme Alessandrini* in Rome, and that in that context they allied with other forces as well as pursuing their own interests.

Origins: The Crescentii

As ancestors of Victor IV (1159–1164), who contested and lost the papacy to Alexander III, Counts Oddo and Ottaviano have been saved from consignment to local history.² Historians investigating Victor IV have concomitantly discovered many important features about the Ottaviani branch of the Crescentii, the family that dominated Rome for much of the tenth century. As we recall, their ancestor, Alberic II, had styled himself *Princeps atque omnium Romanorum*

¹ Heinzelmann, *Streitschriften*, Exkurs, pp. 120–125 for the counts of the Sabina and their relationship to Farfa in the eleventh century; Gaetano Bossi, “I Crescenzi di Sabina: Stefaniani e Ottaviani” (dal 1012 al 1106), *Archivio della R. Società Romana di Storia Patria* 41 (1918), 111–170, at p. 132.

² For a sketch of the genealogy of the family see Hansmartin Schwarzmaier, “Zur Familie Viktors IV. in der Sabina,” *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 48 (1968), 64–79 at p. 74. Helene Tillmann disputes the geneological sketch of his family. “Ricerche sull’origine dei membri del collegio cardinalizio nel XII secolo. II/1: Identificazione dei cardinali del secolo XII di provenienza romana,” *Rivista di Storia della Chiesa in Italia* 26 (1972), 313–353 at pp. 319–323.

Senator after the revolution he fomented in 932.³ Alberic's mother, Marozia, headed a family that later was called "Tusculan."⁴ The Tusculani and branches of the Crescentii played powerful political and military roles in Latium into the twelfth century.

From Rome the Crescentii expanded into the Sabina. In 965, John XIII (965–972), perhaps a Crescentian himself, gave the daughter of Crescentius a *Caballo mormoreo*, to his own nephew, Benedict, as his wife. John XIII then invested Benedict with the county of Sabina, and gave him the title of rector.⁵ The rector held both civil and criminal jurisdiction under papal authority. The papacy used rectors and counts to govern the Sabina, and as representatives of the papacy they tended to encroach upon Farfa's traditional rights, pushing the abbey deeper into the imperial camp to maintain its independence.⁶

After the death of Otto III (983–1002), Johannes Crescentius held the real power in Rome as *patricius*. With him the power of the Crescentii in the Sabina grew. To the detriment of Farfa, members of the family operated as rectors from 1002. In 1006 Johannes Crescentius gave his power in Rome to the sons of his sister, Rogata. They were designated "Ottaviani" after their father. When the Tusculani superseded the Crescentii in Rome in 1012, the Crescentii moved their stronghold to the Sabina.

Otto III had imposed his own popes, but when the Crescentii regained their dominance, they installed three popes between 1003 and 1012.⁷ In 1012 Benedict VIII (1012–1024), a member of the

³ Toubert, *Structures* 2, pp. 974–989; Arnaldi, "Alberico di Roma," pp. 647–656; Kehr, *Italia Pontificia* 2 *Latium*, p. 9; Schimmelpfennig, *The Papacy*, pp. 111–113, 119–120, 125; Gregorovius, *Rome in the Middle Ages* 3, *A.D. 800–1002*, pp. 254–275, 292–316; Vehse, "Die päpstliche Herrschaft," pp. 120–130.

⁴ See the geneological tables of the families of Theophylact, both branches of the Crescentii, and the Tuscolani. Toubert, *Structures* 2, Annexe, pp. 1085–1087.

⁵ *Exceptio Relationum* of abbot Hugh of Farfa, *Chron.* 1, p. 62: "Iohannes igitur papa, qui appellatus est maior, ingressus papaticum satis exaltavit quendam nepotem suum nomine Benedictum, deditque ei Theoderandam uxorem satis nobilem, filiam Crescentii qui vocabatur a Caballo marmoreo; et comitatum Sabinensem dedit ei et plures alios. Qui veniens Sabinis, habitare coepit in castello Arci..." Benedict's mother (John XIII's sister) was the powerful senatrix Stefania, to whom John XIII gave the city of Palestrina in *enfiteusi* in 970. Toubert, *Structures* 2, p. 1024.

⁶ Vehse, "Die päpstliche Herrschaft," pp. 130–132 for a discussion of the rectorship and its history in the Sabina. Vehse points out that at the same time that the papacy ceased to recognize Farfa's special position, it imposed a rector on the Sabina. To keep any family—mainly members of the Roman aristocracy—or faction from becoming entrenched, Alberic II changed rectors frequently, and used bishops as counterweights. By 944 at the latest there was a bishop of the Sabina.

⁷ Toubert, *Structures* 2, p. 1022; Schimmelpfennig, *The Papacy*, p. 113.

Tusculani, usurped the papacy after he and his brothers had attacked Rome, and ousted the Crescentii.⁸ While controlling the papacy for more than thirty years, the Tusculani popes did not try to appropriate the Papal Patrimony for their own advantage. They supported Farfa as well as Subiaco, Grottaferrata, and many other local monasteries.

To assure his authority in the Sabina Benedict VIII tried to break the power of the Crescentii, whose stronghold remained around the fortresses of Arci and Tribuco, where Benedict, the rector, had first settled.⁹ When the Crescentii sought support from Farfa, Benedict VIII showered the abbey with donations. Farfa responded by bringing a dispute before the papal court. Benedict VIII could now count on Farfa's support in a showdown with the Crescentii.¹⁰

But in its cooperation with the papacy, Farfa had not slackened its imperial ties. In 1014 it brought a complaint before Henry II against Iohannes and Crescentius, sons of Benedict, the rector, over the castles of Tribuco and Bucciniano. On the advice of Roman and Lombard judges, Henry decided in favor of Farfa in a placitum held in Rome. However, he left the execution of the judgment to Benedict VIII, and in 1026/27 abbot Hugh was still complaining to Conrad II that the pope (John XIX) had failed to implement the ruling.¹¹ Probably

⁸ "Crescenzo," *Dizionario biografico degli Italiani* 30, pp. 657–659; Gregorovius, *Rome in the Middle Ages* 4.1, pp. 14–15.

⁹ Toubert, *Structures* 2, p. 1024.

¹⁰ Vehse, "Die päpstliche Herrschaft," pp. 145–146, 150. See also Gregorovius, *Rome in the Middle Ages* 3, pp. 254–256, 267, 271, 274–275.

¹¹ *Regesto* 5, #1279, pp. 252–254; p. 252: "Incipis querimonium Domni Hugonis Abbatis ad imperatorem de Castro TRIBUCO et BUCCINIANO [concerns Iohannes & Crescentius, sons of Count Benedictus]. . . . Illud quod ab aliis audiui qui ante me fuerunt in ipso loco ego non affirmo, sed illi qui adhuc uiui sunt de illis fratribus certificabunt ita esse, si iubetis. Dicunt enim quod noster antecessor abbas nomine iohannes, fecisset de uno nostro castello quod tribucus uocatur scriptum quod romani tertio generum uocant benedicto comiti patri istorum praedictorum de castello solummodo sed non de pertinentia quae curtis sancti gethulii uocatur, sed non eum corroborasse sua manu et monachorum atque testium, eo quod dictus ei promississet [*promisisse* in ms.] dare unum ornamentum missae praetii librarum xxx quod sui atque iohannis papae fuisse refertur. Quo minime dato, supradictum scriptum affirmant remansisse intestatum. Tamen ipsa occasione inuasit praedictum castellum cum tota pertinentia malo ingenio ac pessima fraude, quod onerosum fuit hic scribere. Tamen ore dicimus si iubetis. Appare de illo scripto ut lex praecipit non fecit, pensionem nunquam persoluit. Hac iustitia et rectitudine tenuit eum usque ad nostrum tempus. . . . [long explanation of what happened; p. 253] Unde postea habuimus conflictum ego et iohannes ante praesentiam senioris nostri heinrici. De quo interrogauit idem senior iudices qui aderant plures, romanos et langobardos, utrum illud scriptum legaliter stare posset quod ille abbas fecit qui donum et praeceptum ab ipso non haberet,

his complaints elicited Conrad's confirmation of Farfa's property in 1027.¹²

Benedict VIII's failure to enforce Henry II's judgment may have been a portent of what was to come, for in 1020 the Tusculani pope betrayed Farfa. Showing how transitory the alliances in the Sabina were, the Ottaviani sided with Farfa, and received half of Tribuco for their trouble.¹³ When Tribuco later became a point of contention between the Ottaviani and Farfa, Nicholas II resolved the dispute in favor of Farfa.¹⁴ After this defeat the Ottaviani sank to the status of just another noble family in the Sabina. Sinebaldo, who had sided with Farfa against his own family of the Crescentii, became rector. From 1059–1066, when seemingly, Sinebaldo died, documents were dated in his name.¹⁵

The Family of Johannes Oddonis

As one of Alberic II's descendants, Johannes Oddonis, the father of Oddo and Ottaviano, had inherited a powerful stronghold in the Sabina.¹⁶ While his brother, Crescentius, held the castle of Monticelli, he held the castle of Palombara. Johannes Oddonis died in 1058,

quia nostrum monasterium regale est ut omnes sciunt. Ad hoc cuncti unanimiter dixerunt iudices quod nulla ratione stare posset. Haec de tribuco acta sint romae in placito. . . . Sed de bucciniano per legem definitum est ut uobis ostendam antequam illi proicerentur de castello tribuco. Tribucum uero tenemus per imperialem praedictam inuestituram et praedicti domini papae. . . . Ego autem hoc audito, timore perculsus, cum concilio tamen domni piligrimi qui cancellarius adhuc erat et tunc aderat, dedi filiis octauiani oddoni et crescentio medietatem de praedicto tribuco cum sua pertientia eo pacto ut nos defenderent et monasterium ab illis cum ipsis castellis. Quod et factum habent usque hodie christo fauente. Quod si hoc non fecissemus, procul dubio (p. 254) hic in manibus illorum incideremus, et non solum castella. sed etiam nostrum monasterium perderemus et forsitan uitam amitteremus, talis erat illorum insidia super nos, et praecipue qui adiutorium domni papae habebant, ut supra diximus."

¹² *Regesto* 4, #675, anno 1027, pp. 77–79; Hirschfeld, "Das Gerichtswesen," pp. 443, 448; for other disputes between Farfa and the Crescentii see p. 491. Feb. 5, 1088, Farfa vs. Rusticus from the Gens Crescentius; brought before the prefect and the Roman consuls; *Regesto* 5, #1115, p. 116; dated to Clement III at Rome in monastery "S. Basili Donadeus praepositus . . . pharpha, carone eiusdem monasterii aduocato loquente, proclamationem fecit super rustico crescentii filio, de castello quod uocatur correse [belongs to Farfa] . . . et nominatus rusticus illud retinet. . . ."

¹³ Vehse, "Die päpstliche Herrschaft," p. 144.

¹⁴ *Ibid.*, 151.

¹⁵ *Ibid.*, 152.

¹⁶ Gregorovius, *Rome in the Middle Ages*, 4.1, p. 6 for a geneological tree.

and when the children of Crescentius died, the sons of Johannes Oddonis inherited the property and comital rights of both their father and their uncle. Ottaviano inherited Palombara, and Oddo, Monticelli. Johannes Oddonis had also sired Maria, Rainerio, and almost certainly, Johannes, but none of these siblings figured in the inheritance. Almost nothing is known about Rainerio and Maria, but, as we shall see, Johannes became abbot of Subiaco.

With the death of Johannes Oddonis, and their weakened position as a result of having opposed Nicholas II, the Ottaviani's fortunes dwindled to a low ebb. Working in concert with Subiaco and Farfa, Oddo and Ottaviano may have used the years following 1058 to consolidate their position.¹⁷ Oddo's brief appointment to the rectorship (1079–80) is a sign of their success. Along with Ottaviano, Oddo was again appointed as rector in 1106, possibly as a reward for their cooperation with the papacy in the arbitration proceedings of 1103–1105.¹⁸ The reason for the long interim between appointments is not immediately apparent. Perhaps the absence of strong ties with the papacy, and a pragmatic relationship with Farfa and the emperor made the brothers less than optimal candidates.

In fact, the cultivation of good relations with Farfa appears to have been part of their strategy to regain their power.¹⁹ One of the family's first transactions after the death of Johannes Oddonis in 1058 was a donation to Farfa. Oddo joined his brothers, Johannes and Rainerio, in a grant their mother made to Farfa in commemoration of their father's death.²⁰ In 1062, describing himself as the most illustrious and distinguished son of Johannes Oddonis, Oddo granted Farfa the church of Sts. Caesarius and Benedictus in the county of Tivoli, and placed himself under the abbey's protection.²¹ Ottaviano may have been too young to participate in the transaction of 1058, but in

¹⁷ Schwarzmaier, "Zur Familie Victors IV.," pp. 71–72, 77; Hüls, *Kardinäle*, p. 259; W. Kölmel, *Rom und der Kirchenstaat im 10. und 11. Jahrhundert bis in die Anfänge der Reform* (Berlin, 1935), pp. 155–156.

¹⁸ Bossi, "I Crescenzi di Sabina," pp. 132, 135; Vehse, "Die päpstliche Herrschaft," pp. 130–132.

¹⁹ Heinzelmann, *Streitschriften*, p. 122.

²⁰ *Regesto* 4, #874, anno 1058, pp. 269–270; *Chron.* 2, p. 131; Schwarzmaier, "Zur Familie Viktors IV.," p. 70.

²¹ *Ibid.*, #926, an. 1062, pp. 320–321; p. 321: "Me uero sub patrocínio uestrae tuitionis committo . . ." *Chron.* 2, p. 149: "item, Oddo filius Iohannis Oddonis, committens se sub patrocínio tuitionis domni abbatis B[arardi], concessit in hoc monasterio aeccliam Sancti Cesarii et Sancti Benedicti in comitatu Tiburtino." Schwarzmaier, "Zur Familie Viktors IV.," p. 70.

1085 he restored to Farfa property that he had confiscated in a dispute with count Erbeo.²² In 1093 he made an extraordinarily comprehensive grant of half of the castle of Caminata to Farfa.²³ In the same year Oddo gave Farfa the fortress of Maccla.²⁴

But Oddo and Ottaviano did not consistently favor Farfa. Just as they, like Farfa, could accommodate themselves to Clement III, so also they could oppose Farfa. A placitum held in 1098 to settle a dispute between Berard II and Giovanni di Masso and Donadeo di Bonomo is a case in point. Oddo and Ottaviano used all of their wiles in supporting Giovanni and Donadeo, who had invaded the castle of Fara, recently returned to Farfa by Henry IV. Gregory of Catino implies that the Roman judges were intimidated by the power of the Ottaviani, and hesitated in rendering justice to Berard II. Emboldened by their victory, Farfa's adversaries occupied a fortress *Post montem* and the church of St. Peter at Scandriglia.²⁵

Observing the dissolution of Farfa under Berard II's corrupt rule, and seeing that the abbot had little support even among his monks, the Ottaviani were primed to exploit any weakness. Thus, on the eve of the entry onto the scene of Berald III, Oddo and Ottaviano were again aggressively pursuing their own fortunes.

²² Ibid., 5, #1260, p. 238: "Tempore domni Clementis tertii papae . . . Octaviano iohannis oddonis filius, praesente domno ferrucio sanctae sedis apostolicae secundicerio, atque carone urbanae praefecturae causidico, nec non stantibus subscriptis testibus refutavit in manus domni Berardi farfensis monasterii abbatis . . . [all rights over Scandriglia, which he had invaded]. . . . Testes: Sarracinus sancto eustatio . . ." *Chron.* 2, p. 194; Schwarzmaier, "Zur Familie Viktors IV.," p. 71; Schuster, "Il monastero del Salvatore," p. 31. The placitum was held in the presence of Ferrucio, the papal secundicerio, and Carone, "urbanae praefecturae causidico."

²³ Ibid., #1274, p. 249; *Chron.* 2, pp. 193-194.

²⁴ Ibid., #1256, p. 236; *Chron.* 2, p. 193.

²⁵ Ibid., #1275, #1276, pp. 249-250; #1276: "Et uenit praedictus domnus abbas cum iudicibus et aduocatis aliisque instrumentis ad placitum necessariis. At ipsi praefati [Donadeo and Johannes] venire non curaverunt scientes se nullam iustam causam habere, multis tergiuersationibus litem protelare cupientes. Oddo autem et octavianus frater eius, eorum calliditates occultare uolentes, eo quo eorum parti fauere nitebantur, de pignoribus secundum quod promiserant adimplere nolentes, protestati sunt domnum abbatem per XV dies ante constitutum terminum illum debuisse nuntiasse, ideoque constituerunt ut post, scilicet in die nono, praenominatus abbas secum sui iurisperitos haberet. Donadeus uero et iohannes de masso similiter. . . . Verum neque praenominati fratres neque donadeus et iohannes se ut dixerant praeparauerunt, neque iusiurandum testium receperunt, neque de pignoribus ueluti promiserant adimpleuerunt." *Chron.* 2, pp. 195-197; Schuster, *Abbazia di Farfa*, p. 235; idem, "Il monastero del Salvatore," p. 32.

Johannes, Abbot of Subiaco

While Oddo and Ottaviano chose the secular world, their brother, Johannes, chose the religious.²⁶ As a monk at Farfa he was described as *studiodissimus et enutritius*, but like Gregory of Catino, he was not slated to live a purely spiritual life devoted to study. Rather, he became part of the political equation of the Campania, and was involved in secular matters at the highest level. Originally, it was probably his family that recommended him to be chosen as abbot. According to the twelfth century chronicler of Subiaco, he was elected on two different occasions.²⁷

The first occasion occurred in 1065 when the previous abbot, Humbert, a French reformer who had been consecrated by Leo IX, was captured by Landus de Civitella. When Landus refused to release Humbert, the chronicler reports that the monks fetched Johannes, the son of Johannes Oddonis, at Farfa, and elected him abbot. Hearing what the monks had done, Landus was greatly disturbed, and made a pact with the monks that he would return Humbert. Landus carried out his promise, and Johannes then returned to Farfa.

But the chronicler says that after Humbert's return he alienated himself from the Roman curia, and tribulations occurred both inside and outside of the monastery. In response to this time of troubles a monk by the name of Johannes de Azzo came to the fore, and with the help of one faction of monks and other supporters, impudently made himself abbot.²⁸ Humbert was too old and weak to do anything about this takeover, but chance would have it that Hugh, bishop of Ostia and Velletri, was passing through the territory of Subiaco

²⁶ The geneological data on Johannes is somewhat confused, and his origins are still disputed. Schwarzmaier, "Zur Familie Victors IV.," p. 74; Rudolf Hüls has reviewed the sources and the literature, and concludes that Johannes was the son of Johannes Oddonis and brother of Oddo and Ottaviano. *Kardinäle*, pp. 233-234. The *Sacramentario* of Subiaco speaks of Iohannes in glowing terms. I. Giorgi, "Appunti intorno ad alcuni manoscritti del *Liber Pontificalis*," *Archivio della R. Società di Storia Patria* 20 (1847), 247-312 at p. 292.

²⁷ *Chronicon Sublacense* (AA. 593-1369), ed. Raffaello Morghen, vol. 24, pt. 6 of *Raccolta degli storici Italiani*, ed. L. A. Muratori (Bologna, 1927), p. 10. "Qui [the monks], inito consilio, perrexerunt Farfam et tulerunt inde dominum Johannem monachum, filium Johannis Oddonis, et eum sibi abbatem fecerunt." Morghen, n. 1, p. 12 cites the cod. Perugino, fol. 25, c. 4r: "XVII I. dec. Praepositus cessavit ab electione et Johannis filius Ottonis de Palumbaria fuit electus."

²⁸ *Ibid.*: "Surrexit namque quidam monachus de suis, nomine Johannes de Azzo, et super eum cum Sublacionis et aliis fautoribus impudenter se iniecit fecitque se abbatem in parte quam sibi potuit vendicare abbacie..."

on his return from a legation in Lombardy. Hugh was able to defuse the conspiracy, and upon his return to Rome in 1069, he reported the precariousness of the situation to Alexander II.²⁹

Alexander immediately sprang into action, ordering Hildebrand, "a holy man extremely dexterous in both secular and spiritual affairs," to restore order.³⁰ Hildebrand set off from Rome with an entourage commensurate with the importance of Subiaco to the apostolic see. Accompanying him were, Desiderius, abbot of Montecassino, clerics from the Lateran palace, and a contingent of militia. He appears to have orchestrated the proceedings in advance. Beginning by calling the monks together, he spoke to them about the gravity of the situation. Thereupon Humbert abdicated, and Hildebrand counseled the brothers to elect another. With one voice they declared that since there was no one from Subiaco, their choice was Johannes, son of Johannes Oddonis.

Having shown keen foresight, Hildebrand had brought Johannes with him from Rome, and was able to ask the young monk on the spot if he were willing to accept the charge.³¹ After first demurring that he was unworthy, Johannes acceded to the monks' request. With great joy he was elected abbot. Thereafter he left for Rome, where he was consecrated by Alexander II himself.³²

As Gregory VII, the former Hildebrand appointed Johannes cardinal deacon of Santa Maria in Domnica.³³ Since Santa Maria in Domnica was situated on the Coelian hill in the center of Subiaco's possessions in Rome, the appointment consolidated this stronghold.³⁴ It also entailed a position in the Lateran palace where Johannes

²⁹ For a discussion of problems over the date see Hüls, *Kardinäle*, n. 3, p. 234; Morghen, *Chronicon Sublacense*, n. 1, p. 12 says that the year was 1065.

³⁰ *Chronicon Sublacense*, pp. 10–11: "... statimque accito archidiacono suo Ildebrando virum sanctum strenuissimum et in secularibus ac spiritualibus rebus..."

³¹ Ibid.: "Rogamus et petimus, quia inter nos talem non invenimus, dari nobis dominum Johannem filium Johannis Oddonis in patrem." Archidiaconus dixit illi—venerat quippe cum eo ab urbe—: 'Frater Iohannes' et ille: 'Domine mi.'"

³² Ibid., n. 2, codex Perugia F. 25, c. 4r: "III idus dec. Dominica de gaudete. Tali die abbas noster Johannes [de] Romana Curia reversus est consecratus et monachi canent Te Deum laudamus et homines iuraverunt." Raffaello Morghen, "Le relazione del monastero sublacense col papato, la feudalità e il comune nell'alto medioevo," *Archivio della R. Società Romana di Storia Patria* 51 (1928), 181–262; Morghen states that he ruled until 1117.

³³ Ibid., 13: "Is [Gregory VII] diligens plurimum supradictum Johannem abbatem fecit eum levitam sacri palatii cui diaconiam dedit ecclesiam sante Marie in domnica et honorifice dum advixit in omnibus tratavit eum." Hüls, *Kardinäle*, pp. 233–234.

³⁴ It owned the neighboring monastery of St. Erasmus. Hüls, *Kardinäle*, n. 12, p. 40.

could participate in the business of the curia. By these favors Gregory drew Johannes ever more tightly into his orbit. The abbot could be his helpmate in promoting ecclesiastical reform and in establishing papal control over Latium. The *Liber Vitae*, written in 1075 by a monk within Johannes' close circle, bears witness to his spiritual reforms at Subiaco.³⁵

But in the *Chronicon Sublacense* acts of reform are interspersed with accounts of successful military campaigns that frequently benefitted the papacy as well as the monastery. Gregory had long dominated San Paulo fuori le mura, and under Johannes, Subiaco could become another valuable monastic auxiliary. Gregory may have seen its potential as a counterweight to Farfa, which consistently supported Henry IV, and tenaciously fought to preserve its property and liberties from those who would threaten them, including the papacy himself. Subiaco could also help to solidify papal authority in the Campagna.

Although Johannes and Gregory generally interacted harmoniously, at times they found themselves at odds, surprisingly over Johannes' own family. Johannes may have had problems with his brother, Rainerio, but Gregory did not enter into the picture. Rainerio held the fortress of Marano in the lands of Subiaco, and when Johannes purchased Marano, he expelled his brother.³⁶ Nevertheless, when Rainerio died, Johannes brought his brother's body along with that of his sister, Maria, to Subiaco to be buried.

Gregory did, however, become involved in at least one dispute between Johannes and Oddo, who had difficult and longstanding differences. The sources are confused, but they seem to indicate that Johannes would have captured the castle of Anticoli if Gregory had not forcefully intervened, and given the castle to Oddo.³⁷ Johannes

³⁵ Hansmartin Schwarzmaier, "Der Liber Vitae von Subiaco: Die Klöster Farfa und Subiaco in ihrer geistigen und politische Umwelt während der letzten Jahrzehnte des 11. Jahrhunderts," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 48 (1968), 80–147 at pp. 103, 133–134. *Chronicon Sublacense* p. 15; long section on a new constitution and reforms begins: "Congregavit idem abbas honestam congregationem religiosorum hominum et nobilium multorum qui in sancto de proposito optime constringebant. Ordinem statuit super constitutum talem ut cotidie canticum graduum dicerent ad missam, letanias cottidianis diebus facerent et familiare psalmos et super formas contarent. . . . [close to the end] Similiter faciant in festivitate sancti Gregorii pape pro animas omnium pontificum romanorum."

³⁶ Morghen, "Le Relazione," pp. 231–235, & n. 1, p. 235; *Chronicon Sublacense*, p. 13; "In secundo anno Maranum acquisivit cum rocca super se c. dando libras, expellens inde consanguineum cum nomine Raynerium."

³⁷ *Chronicon Sublacense*, pp. 13–14: "Fecit in colle qui nominatur Furicum turrem

and Oddo clashed again over the fortress of Camerata, but this time Gregory did not intervene. Johannes believed that Camerata belonged to Subiaco, and he succeeded in obtaining the fortress by helping the sons of Odericus in their war against Oddo. He then bought it from them for thirty pounds.³⁸

The reasons for the rivalry between Johannes and Oddo, and why Gregory championed Oddo in the conflict over Anticoli, are murky at best. It has been conjectured that Johannes strongly supported Clement III, and that when Johannes became involved in the dispute with Oddo, Gregory understandably sided with Oddo.³⁹ The argument might be convincing if the campaign to retake Anticoli occurred after Clement's election in 1080, but some evidence suggests that it preceded that date.

Several lines after describing Gregory's intervention in Anticoli, the chronicler reports that in 1077 the empress, Agnes, stopped over at Subiaco on her way to see Gregory in Rome.⁴⁰ The monks received her regally, and she brought gifts and made promises. Thereafter she departed for Rome, where she died. By describing Agnes' visit to Subiaco after the affair of Anticoli, the chronicler implies that the conflict with Oddo preceded 1077. Further evidence that no breach between Johannes and Gregory existed at the time of her

cum municionibus aliis cum multis expensis et prelis ad constringendum castrum Anticulum quod ita constrinxit ut sine dubio acquisivisset nisi papa Gregorius iam dictus impedisset. Nam roccam prephatam de manu eius violenter abstulit et fratri ipsius dedit, scilicet domino Oddoni. Et astu Crescentium filium Oddonis de manibus eius eripuit, quem ita in supradicto castro angustabat ut spes nulla evadendi iam esset." P. Egidi, G. Giovannoni, F. Hermanin, *I Monasteri di Subiaco* (Rome, 1904); Egidi, p. 94, and n. 2; Morghen, "Le relazioni Sublacense," pp. 233–234.

³⁸ Ibid., 19: "Idem predictus abbas ab inicio sue ordinacionis anxius fuit acquirere roccam que dicitur in Camerata. Sciebat enim quo iuris esset monasterii. Quod per Dei voluntatem effecit; emit namque eam a filiis Oderici dando eius xxx libras et iuvando eos de guerra quam habebant cum Oddone de Palumbaria." After Johannes' death Oddo helped to retake the fortress.

³⁹ Schwarza maier, "Zur Familie Victors IV.," p. 65.

⁴⁰ *Chronicon Sublacense*, p. 15: "His diebus venit Agnes, audita fama sancti cenobii sublacensis, videre et probare que sibi fuerant intimata. . . . [great reception, gifts and promises] Sed eo tempore obiit Rome." Egidi doubts this visit (*I Monasteri*, n. 3, p. 101), but there is independent evidence from Archangelus de Alexandris, fols. 69r–69v: "*De' Adventu Agnetis Imperatricis ad Farfense Cenobium* [takes the veil in 1073] (69v) deinde Romam profecta, inde Cassinum Montem religiosa deuotionis gratia petit postque et Sublacense Sacri Patris Benedicti Specus inuisit, atque inde ad Farfense quoque Imperiale Cenobium festinauit. Ibi Maximo cum honore prout Augustalem decebit dignitatem a Berardo Abbati totaque congregatione suscepta fuit . . . obtulit ad honorem Dei Genitricis Altare portabile pretiosum [donated many other precious items; afterwards, left for Rome, where she died.]"

visit is that Agnes was devoted to Gregory. Had the pope whom she venerated been alienated from Johannes, it is improbable that she would have stopped at Subiaco and have been so well received.

Gregory's use of force against his protege at Anticoli reveals the fragility, if not the rupture of their symbiotic relationship. Subiaco's chronicler uses harsh terms to describe Gregory's actions: "violenter abstulit; astu . . . eripuit." The resort to such violent extremes makes Johannes' defection to Clement III in 1084 less startling than might otherwise have been anticipated.⁴¹ What may be more surprising than the apostacy itself was its tenacity. Others who abandoned Gregory—including Berard I of Farfa—returned to the fold when Desiderius of Montecassino became pope as Victor III in 1086. But even though Desiderius had been present at his own election, Johannes steadfastly continued to recognize Clement.

Johannes not only remained loyal to Clement, he became his archdeacon. Theodinus, his predecessor as archdeacon, had been consecrated cardinal deacon by Alexander II in 1067, but when he joined the throngs of those who abandoned Gregory in 1084, Clement promoted him to archdeacon.⁴² After the death of Theodinus, on August 18, at the earliest in 1085, and at the latest, in 1098, Clement appointed Johannes as his successor. Since Johannes signed a document issued by Clement in 1099, in all probability he continued to function as archdeacon until Clement's death in 1100.⁴³ Thereafter he recognized the orthodox popes. He not only became an ally of Paschal II, but seemingly his archdeacon as well.⁴⁴ Ideology appears to have played little role in these gyrations.

Rather, the political configuration in Latium, and especially the opposition of Paschal and Johannes to the Tusculani, may have been the common ground that brought Johannes and Paschal together. When Tolomeo of Tusculum, rector of the Campagna, and one of the "Caesariani," led a major rebellion against Paschal in 1108, Johannes staunchly supported the beleaguered pope.⁴⁵ After the rebellion was put down with the aid of the Normans, Johannes requested

⁴¹ Hüls, *Kardinäle*, n. 5, p. 234.

⁴² *Ibid.*, 254.

⁴³ *Ibid.*, 40.

⁴⁴ *Ibid.*, 233.

⁴⁵ P. D. Cherubino Mirzio, *Cronaca Sublacense* (Rome, 1885), p. 219: While Paschal was holding a synod in Troya in Apulia "romani primates ferali odio inter se dissentiebant, ob Pontificis Imperatorisque Henrici V factiones contrarias. Caesariani quippe contra Paschalem papam conjurantes, civitates aliquot Campaniae ab ejusdem

that Paschal help him recapture the castles of the abbeys of Ponza and Affile.⁴⁶

Returning the favor, Paschal helped him regain the two castles. The undertaking was almost a continuation of the suppression of the rebellion, for the person who occupied these fortresses dominating the high valley of the Aniene was Ildemondo, Tolomeo's brother. Ildemondo and his son, Filippo, had captured Ponza and Affile from Subiaco and had tried to take the castle of Genna.⁴⁷ On August 23, 1109, the Roman and Subiakan militia combined to recapture Ponza and Affile, and on September 7 Paschal invested Johannes with the two castles "per ferulam."⁴⁸ The bull also stated that Paschal had invested Johannes with other towns in the Campagna. Implying that fraternal relations had been restored between Johannes and Oddo, Oddo and Ottaviano witnessed the signing of the bull.

The commonality of interests of the abbey and the papacy may

obedientia deficere persuaserunt. Caesarianorum autem praecipui erant Ptolemaeus Consul Romanus, Comes Tusculanus, et Sublacensis Abbatiae tyrannus, . . . et Berardus, istius nominis tertius, Farfensis abbas, alique quam plures, qui contra summum Pontificem insurrexerunt [Henry V comes and returns to Germany; with help of the Normans Paschal occupies cities in the Campagna that had gone over to the emperor.]"

⁴⁶ Ibid.: "... ad instantiam Johannis Abbatis, contra Hildemundum, unum ex Caesarianis, communem hostem, qui ea grassante rebellione, Pontiam atque Effidem Abbatiae castella per fraudem invaserat et occupaverat, progressus est. (p. 220) Hunc vero Hildemundum ex nobilium Romanorum prosapia progenitum fuisse. . . . [Paschal comes] anno nostrae salutis centesimo decimo sexto super millesimum [combined militias of Subiaco and papacy defeat Hildemundus]"

⁴⁷ *Chronicon Sublacense*, p. 14: "In septimo decimo anno ordinacionis abbacie castrum quod Genna dicitur acquisivit quod antea multis preliis expugnaverat, fecitque ibi turrem ob defensionem inimicorum. Post duos pene annos Ildemundus, qui Pontiam et Effidem tenebat, facto placitu cum quodam traditore, per noctem intravit eundem castrum et tulit eum. Quod cum sibi non liceret tenere eo quod fortiter ab abbate premeretur, dedit eum filio principis capuoni nomine Bartholomeo qui cum Normannis et Longobardis, ducente Ildemundo, venit Sublacum et qui putabant cedes et depredaciones aliorum facere, confusi, cede facta suorum, redierunt ad sua. Abbas autem eo die in quo Genna capta est ascendit montem qui vocatur Porcarius cum multis militibus ac peditibus, cepit construere municionem ad constringendam Gennam quam fortiter expugnans non multo post, Domino auxiliante de manu tulit tenencium." Morghen, "Le Relazione del Monasterio Sublacense col Papato," p. 233.

⁴⁸ Ibid., 17-18; see the bull of Paschal, *Lib. Cens.* 2, p. 407: "... [Paschal] commisit eadem oppida Pontia et Efides Iohanni Sublacensi abbati, sicut commiserat alias terras Campaniae; ita ut hereditas monasterii Sublacensis que ibidem est monasterio salva permaneret; cetera custodirentur ad ius beati Petri. Et per ferulam investivit eum, quod non auferret ei in vita ipsius, nisi ipse aliquid tale delinqueret." Among the witnesses were Rainaldus Sinebaldi, Octavianus, Oddo fili[us] Johannis de Oddone and Huguizon filius Petri de Leone. Egidio, *I Monasteri di Subiaco*, p. 97.

have dictated that the personal cooperation that would have been expected between Gregory VII and Johannes finally came to fruition with Paschal and Johannes. In Subiaco Paschal now had a counterforce to the Tusculani in the Campagna. By wearing the two hats of abbot and archdeacon Johannes promoted the interests of the papacy as well as the welfare of Subiaco. After Paschal's investiture of Johannes with the two castles, a subdued Ildemondo swore an oath to Johannes, promising to help him to retain his offices as abbot and archdeacon.⁴⁹

The coalition led by the Tusculani did not wither away under this combined onslaught, however. Rather, it reasserted itself when the imperial coronation ceremonies collapsed in February 1111, and Henry V captured and incarcerated Paschal in Tribuco. These events injected new force into the ambitions of the nobles of the valley of the Aniene downstream from Subiaco. Along with Farfa and the Tusculani these men were largely loyal to Henry V. Johannes, by contrast, stood by Paschal during his captivity and after his capitulation to Henry over the issue of investitures in April 1111.

To neutralize the harsh criticism over what some churchmen saw as his apostacy, Paschal summoned a council at the Lateran on March 18, 1112. There he formally acknowledged what he had already stated—that his *privilegium* on investitures, now derisively dubbed the *pravilegium*, was null and void because it had been extorted under pressure. However, he withstood the demand to break his promise not to excommunicate the emperor. As a cardinal, Johannes participated in this council, and for his support he was rewarded with a papal privilege recalling rights long ignored, and a huge amount of property including the “oppidum Tusculanae cum Rocca sua et omnibus pertinentiis suis.”⁵⁰

In 1117 Paschal confirmed all of Subiaco's privileges and property, including Affile and Ponza, and gave Johannes permission to destroy the fortifications of Mount Antonini, held by Ildemundo, “monasterii sancti Benedicti inimicus.”⁵¹ Paschal also came to the aid of his ally

⁴⁹ Mirzio, *Cronaca*, p. 226: “Tibi dico domino Ioanni Abbati et Archidiacono. . . Honores quos modo habes de Archidiaconatu et Abbatia te adjuvabo tenere contra omnes homines.”

⁵⁰ JL 6377, April 11, 1114; PL 163:345–348, p. 347: “oppidum Tusculanae cum Rocca sua et omnibus pertinentiis suis; Castellum Gallicanum cum ecclesiis . . .”

⁵¹ *Chronicon Sublacense*, p. 19: “Per idem tempus fecit fieri cartam adquisicionis et proprietatis in perpetuum a papa Pascali de Poncia et Effide que castra antea acquisiverat sicut suprascriptum est. . . Idem papa rogatus ab abbate fecit privilegium

in another controversy with a certain Bertrahimo over a fortress called Giranum.⁵² Ironically when Johannes died on May 2, 1121, he was succeeded by Peter, the brother of Ildemondo. Johannes and Paschal must have turned over in their graves. But while each of them lived they had the satisfaction of reaping the rewards of their close alliance. The papacy had made significant strides in its long range objective of gaining control of the Campagna as part of its Patrimony, and Subiaco had regained control of much of its territory.

Writing in the twelfth century, the chronicler of Subiaco portrayed Johannes' illustrious reign as the high point of the abbey's history, devoting an unprecedented ten pages to a description of its brilliance.⁵³ Johannes had succeeded in relieving Subiaco from the grip of the nobility, and had vastly increased its wealth. Many pilgrims visited the sacred monastery, now newly refurbished with much building and art. Miniators of great talent, some of them probably from Farfa, were drawn to its scriptorium where they produced manuscripts of exceptional beauty.⁵⁴ By contrast, Farfa, which had blossomed until shortly before Johannes' death, had fallen on bad days.

Prelude to the Tribunals

In the second decade of the twelfth century the turmoil at Farfa would bubble up from the cauldron of social changes within the Sabina, and from the emperor's less active role as patron. But all of this is an aftermath to the tribunals of 1103–1105 in which Farfa faced the Ottaviani. At this time there was no question of Farfa's power within the Sabina, and of its active relationship with the

monasterio sancti Benedicti quomodo confirmavit omnia pertinencia ei et pontificali precepto roboravit. Destruxit eciam municionem montis Antonini, ex apostolica permissione, quam Ildemundus tenebat, monasterii sancti Benedicti inimicus."

⁵² Ibid., 18–19: "Misit post hoc litteras ad papam Pascalem rogans et humiliter postulans ut se super hec iuaret. Apostolicus autem hec multum egre ferens tum quia per trevanum factum erat tum quia abbatem diligebat misit trevanum suum Letulum nomine qui supradicto Bertrahimo ex apostolica auctoritate preciperet et indiceret ut sine mora castrum sancto Benedicto redderet. Actumque est per Dei voluntatem ut castrum abbas recuperaret et quia Apostolicus hoc mandaverat, et quia qui illum tenebant ibi vivere non poterant propter alimoniarum inopiam, ab abbate ut dixi undique circumsepti."

⁵³ Ibid., 9–19.

⁵⁴ Egidi, *I monasteri di Subiaco*, pp. 98–102.

emperor. The same cannot be said for the Ottaviani, whose loyalties and objectives were ill-defined. Members of the family themselves were not united, and outside of self interest and preserving their prerogatives as counts, there was no principle for which they stood. Their alliances were pragmatic and shifting, almost, one might say, *qual' piuma al vento*.

Oddo's son, Johannes Maledictus is a case in point. In the arbitration proceedings of 1103–1105 he joined his father and uncle in opposing Berald III. Switching allies in 1108, he aligned himself with Berald III and Tolomeo of Tusculum in supporting Henry V, while his uncle Johannes at Subicao supported Paschal II. Johannes Maledictus paid for his loyalty to the emperor when Calixtus II excommunicated both him and Henry V in the Council of Reims in 1119. In a rare instance of consistency, his son, Ottaviano, was elected to the papacy as Victor IV in support of another emperor, Frederick Barbarossa, and in opposition to Alexander III.

With the election of Victor IV the Ottaviani had come full circle, for they had been among the main opponents of the reform papacy in its early stages.⁵⁵ Their recognition of Clement III after 1084, and Johannes' participation in Clement's curia even after the election of Victor III show that they were not dedicated followers of the reform popes. This pattern does not necessarily imply that they were impervious to the issues that were galvanizing the church, for ecclesiastical reform was intricately entwined with the politics of *regnum* and *sacerdotium*, and it was not always obvious which pope represented the apostolic tradition. Unquestionably both Johannes and Berald III thought of themselves as reformers, even though they frequently differed in their evaluations of individual popes.

These differences may have been a key factor in the tribunals, for there is little doubt that Paschal was always hovering in the background. The rights of the counts in the Sabina were critical both to the Ottaviani and to Paschal, and each found Farfa to be a hindrance to its objectives. The tribunals provided the perfect forum to unite their forces to fight for their positions. Even though Johannes was not directly involved, and had sometimes found himself at odds with Oddo, he nevertheless was the brother of the two litigants, and a close ally of Paschal in the curia. He would have been an obvious

⁵⁵ Hüls, *Kardinäle*, 259; Hüls speaks of the Crescenzi-Ottaviani as the main opponents of the reform papacy in the Sabina.

conduit between Paschal and the Ottaviani. Now that we have defined the participants, we shall first see how the dispute evolved that produced the tribunals. Then we shall examine the abstract, ideological arguments that were called into service to achieve the complex objectives of each side.

CHAPTER SIX

ARBITRATION: SAN NICOLA IN CARCERE

The Conflict

Clement III's death in September, 1100, threatened to undermine the fledgling reigns of Paschal II and Berald III. Three challengers elected successively to succeed Clement disputed Paschal's authority, and recharged the forces hostile to the reform papacy in the Sabina. More than his predecessor, Berald showed that he had the mettle to deal with the disputes that arose during this period of testing. Already in January before Clement's death he had reached an accord with Rusticus, the son of Count Crescentius, and with Oddo, the son of Rusticus and brother of Sinebaldo. Berald demonstrated that he had the stature to use diplomatic skills instead of force in working out a peaceful accommodation with this powerful family.¹

The Ottaviani were not intimidated by Berald's success in dealing with the other branch of the Crescentii. Rather, they continued to take advantage of the opportunities created by the unsettled conditions to expand their property. But more than property was at stake, for as counts, they believed that their rights must be respected. In 1103 a seemingly conventional donation sparked a conflict between the Ottaviani and Farfa over the nature of their rights. When Farfa failed to recognize their claims, Oddo resorted to military action. Eventually, however, intermediaries were able to prevail upon the adversaries to accept arbitration. The character of the extraordinary tribunals set up to arbitrate the dispute, and the arguments raised by each side illuminate some of the great issues of the day.² These issues involved the nature of the authority of the papacy and the emperor over an imperial monastery and counts in the Patrimony. Ultimately, they raise the questions of whether the emperor had

¹ Rusticus and Oddo agreed to restore to Farfa the castle of Correse and their portion of the castle of Fara, and in return they received the fortress *Post montem* in *enfileusi*. *Regesto* 5, #1177, January, 1100, pp. 177-178.

² Schuster, *Abbazia di Farfa*, pp. 247-250; Heinzelmann, *Streitschriften*, pp. 89-100; Kölzer, *Collectio Farfensis*, p. 109.

authority over religious institutions, and whether the papacy could claim sovereignty over the Patrimony.

The *Regestum* preserves the three charters that form the genesis of the dispute. The charters are more significant for the questions they raise about the prerogatives of Farfa and the counts than for the families and property concerned. In 1103 Bernardo di Rainerio and his son, Rainerio, donate to Farfa their portion of the castles of Foranum and Colle de Nera.³ In the second charter another group of nobles—Azarello and Johannes, sons of Senioritto, their wives Gontrada and Giborga, the children of Johannes, Giborga e Rustico, sons of Cenci and Doda, his wife, and Stefano, son of Hugo—donate to Farfa their portion of the same castles.⁴ In the third charter Bernardo di Rainerio, joined by Alberto and Rustico, sons of Cencius, and their grandsons, Azarello and Johannes, donate to Farfa lands, castles and churches currently possessed, or that would be possessed in the future, and the church of San Pietro in Bezano.⁵ With one exception, Berald grants the lands listed in the third charter back to their donors in *enfiteusi* for three generations.⁶

Gregory of Catino summarizes the first two charters in the *Chronicon* when he describes the origin of the conflict between Farfa and the Ottaviani. He states that Berard I had granted Foranum and Colle de Nera in *enfiteusi* to certain noblemen and their families. In 1103 after the elapse of the customary three generations, he continues, the noblemen and their families fulfilled their ancestor's agreement by returning the property.⁷

Neither of the charters in the *Regestum* granting parts of Foranum and Colle de Nera to Farfa mention that the donors were returning

³ *Regesto* 5, #1160, an. 1103, pp. 165–166.

⁴ *Ibid.*, #1161, an. 1103, pp. 166–167.

⁵ *Ibid.*, #1162, an. c. 1103, pp. 167–168.

⁶ *Ibid.*, #1163, p. 168: "... et omnibus uobis qui cartam facitis et proprietatem traditis in ecclesia sanctae MARIAE monasterij pharphensis, quod scriptum faciam in tertiam generationem legitimam masculinam in quocumque superuixerit usquedum expleta fuerit ista generatio, de uestris unde uos chartulam et traditionem facitis in suprascripta ecclesia sanctae MARIAE.

⁷ *Chron.* 2, pp. 229–232; p. 229: "... quidam viri nobiles habitantes territorii Sabinenesis et in castro quod vocatur Foranum... refutauerunt et restituerunt in hoc monasterio et domno B[eraldo] abbati quicquid eis pertinebat per scriptum tertii generis, quod olim susceperant a domno Berardo primo abbate, de praefato castello Forano et Colle de Nera, qui eis pertinebat per acquisitionem infra hos fines:" Balzani refers only to the first of the charters recorded in the *Regestum* in n. 1, but the text seems to include the two which concern Foranum and Colle de Nera.

property that had formerly been leased to them. Possibly the charters simply failed to note the previous transaction, or perhaps Gregory conflated these charters with the fourth in his summary in the *Chronicon*. The salient difference is that in the fourth charter the donors did not return property that had previously been granted in *enfiteusi*, but the reverse. Berard granted the property back to its donors under the terms of *enfiteusi*.

There is also another plausible explanation for the discrepancy between the charters and the narrative. In the *Chronicon* Gregory might have embellished the content of the charters to strengthen Farfa's case against the counts. By claiming that the noblemen and their families were simply returning possessions that Berard I had previously leased on limited tenure, Farfa could argue that the fortifications were already its own property.⁸ Accordingly, there would have been no property transfer, and no comital rights would have come into question.

Gregory's attitude toward grants in *enfiteusi* might also have influenced the way he worded his account. He had always been critical of this form of property leasing, and condemned those abbots—especially Berard II—who concluded such treaties. In leasing land merely in return for a small yearly fee, abbots strove not so much for the security and increase of the possessions entrusted to them, he believed, but to benefit the one receiving the land. Thereby, he charged, they defrauded the church of God.⁹

Unfortunately there is no record of how Oddo interpreted these charters. Was it his understanding that the fortifications were transferred to Farfa as outright grants, as the charters imply, or did he believe, as Gregory asserted, that the donors were merely returning the property previously leased to them? Oddo might honestly have been convinced that his rights had been infringed, or he might have been posturing. Gregory surely implies that Oddo was using deceit to gain possession of the two strategic castles.

⁸ Maggi, "Studi Farfense," p. 563; Maggi notes that property granted on long term lease frequently became de facto property of the possessor. "munito di tanta forza da diventare proprieta, l'uti frui del bene che nei contratti a lungo termine finisce per diventare una proprieta."

⁹ *Chron.* 1, p. 235, lines 7–25. Gregory concludes (line 20): "qui autem ita mercantur, ut brevissimum tantum vel temporalem pecuniae annualiter recipiant census, non tam Ecclesiae meliorationem sive auctionem, quam illorum potius qui accipiunt probantur exercere. quapropter fraudem in hoc patri vel matri, idest domino Deo sanctaeque Aecclesiae videntur perpetrare." Kölzer, *Collectio Farfense*, p. 113.

He makes this inference by prefacing his account of the dispute with a general characterization of how powerful families like the Ottaviani acted toward Farfa. He brands the *capitani*, counts, and noble men as conniving and scheming, forced to achieve their goals by surreptitious means after Berald had thwarted their acts of open aggression.¹⁰ He later applies these characteristics to Oddo personally when he accuses him of being led by guile and ill will, and of recruiting allies by insinuating base lies against Farfa.¹¹ But one must beware of accepting Gregory's opinion uncritically, for he himself was partisan, and might not have been above twisting a fact or two for the sake of a good cause.

In his account in the *Chronicon* Gregory juxtaposes the return of Foranum and Colle de Nera with the restoration of the tower and castle of Marcilianus in the same year by Petrus, son of Grazo.¹² Although he does not state that Petrus was returning property that he had previously received "per scriptum tertii generis," "returning" does imply that Farfa already owned the property.

Significant in this transaction was the presence of Oddo's brother, Ottaviano, son of Iohannes Oddonis.¹³ Ottaviano not only witnessed the charter, but in the presence of Count Gentile, son of Senebaldo, he also swore that he would protect the property listed therein. Even more, he promised that he would protect everything that the monastery would acquire henceforth throughout the whole county of the Sabina.¹⁴ Implicit in Ottaviano's oath was the recognition of Farfa's rights of immunity, and accordingly, of the exemption of the lands listed in the charters from comital jurisdiction.

¹⁰ *Chron.* 2, p. 229: "interea capitani et comites ac viri nobiles, fortitudinem illius experientes, aliquantulum a nostra lesione cessarunt, et cum non possent apertius, clandestinis machinationibus mala contra hoc monasterium exercere moliebantur. . . et in quantum quibant huius ecclesiae antiquissimam libertatem minuere, et domno abbati, in quibuscumque causis valebant, omni nisu lesiones facere, et ne huius bona monasterii augmentare posset contrarii per omnia existere."

¹¹ See n. 15 below.

¹² *Chron.* 2, p. 229: "similiter, Petrus filius Grazonis refutavit et reddidit turrem et castellum Marciliani in hoc monasterio et ad domnum suprascriptum B[eraldum] abbatem." The charter is not recorded in the *Regestum*.

¹³ *Ibid.*, 229–230: "huic facto interfuit et consensit Octavianus comes filius Iohannis Oddonis coram Gentile comite filio Senebaldi . . ." Servatius, *Paschalis II.*, p. 75.

¹⁴ *Ibid.*, 230: "... et per sacramentum firmavit eundem domnum abbatem et monasterium Sanctae Mariae de praedictis castellis vel omnibus rebus et terris quotquot deinceps acquirere posset quocumque modo per totum comitatum Sabinensem, quod ipse ad suum posse adiuvaret eum ad retinendum et defendendum in hoc monasterio contra omnes homines."

Oddo took sharp issue with the premises underlying his brother's oath. Springing into action, he rallied allies to his cause, and began destroying Farfa's fortifications. When asked why he had unleashed such a fury, he retorted that since he had received the county of the Sabina from the emperor, Farfa could acquire property within the county only under conditions that preserved comital rights—"nisi salvo sui comitatus iure."¹⁵

Berald countered by documenting Farfa's privileges, which he claimed had been guaranteed since the time of the early popes (John VI, 701–705), the Lombard kings, and the Carolingians.¹⁶ He stated that these rights had been confirmed by subsequent emperors and popes. Since Oddo claimed that he had personally received his comital rights from the emperor, that emperor would have to have been Henry IV.¹⁷ Thus, allegedly Henry IV had granted the counts rights that conflicted with his confirmation of Farfa's privileges. In the *Chronicon* Gregory does not report that Berald challenged Oddo's claim, nor that he questioned whether this claim conflicted with Henry IV's confirmation of Farfa's rights and property.

Nevertheless, Berald does not seem to have perceived any threat to Farfa's rights, since he offered to put up pawns and hostages, and to appear with Oddo in the presence of the emperor to present their cases. Oddo rejected the offer, and continued to seek justice through force.¹⁸ Already Gregory's description makes Oddo's position look

¹⁵ Ibid.: "hac de causa, post hoc [c. four words missing] dolo et invidia ductus, Oddo comes frater eiusdem Octaviani immissiones et suggestiones atque causationes pessimas coepit exercere contra domnum abbatem et monasterium Sanctae Mariae cum omnibus quos suadere sibi sociare valuit, et sic egit, ut castrum nomine Caput Pharphae capere et huic monasterio auferre faceret, et per se ipsum depredationes et desolationes ac plurimas destructiones nostris locis et castellis operari studeret. . . . cumque interrogaretur a quovis cur tanta mala bonis Sanctae Mariae non pertimesceret inferre, has referebat excusationes, dicens, quondam se comitatum Sabinensem ab imperatore accepisse, ideoque monasterium Sanctae Mariae non posset in eo aliquid acquirere nisi salvo sui comitatus iure."

¹⁶ Ibid.: "Ab initio nostrum monasterium hanc habuit libertatem a Iohanne sexto papa, et regibus Longobardis, et imperatoribus antiquis, Carolo scilicet et reliquis deinceps, et pontificibus Romanis, ut quocumque tempore a quocumque hominum aliquid quocumque modo legali acquisisset, mox ab omni condicione, ab omni redditu, ab omni pensione, ab omni damnatione, ab omni districtione pontificum, ducum, comitum vel quorumcumque reipublicae ministrorum et cuiuscumque dignitatis personae inconcussum, imminuatum et liberrimum existeret."

¹⁷ Vehse emphasizes that Farfa consciously responded by referring to the situation prior to Henry IV. "Die päpstliche Herrschaft," p. 159.

¹⁸ *Chron.* 2, pp. 230–231: "hanc quoque convenientiam voluit domnus abbas per pignus et obsides obligare, ut utraque pars in praesentiam domni imperatoris iret, et

weak, for if he had received his rights over the Sabina from the emperor, he should have been confident of the emperor's judgment.

Since Oddo insisted on resolving the dispute through military action, Berald had no option other than to marshal his own forces. Farfa saw it as an answer to its prayers when its militia captured Oddo's son, Johannes, in a battle near Colle de Nera. Gregory claims that rather than exploiting his advantage, Berald remained humble, and was willing to pay Oddo a huge sum to attain peace. But Oddo remained hard of heart, and attempted to manipulate the monks into overthrowing Berald. Unsuccessful in his efforts, Oddo and his allies again resorted to battle, and again they were decisively defeated. At this point Gregory indicates that there was a dramatic break. By artful manipulation, Oddo convinced Ottaviano secretly to switch sides. Perhaps chagrined at the defeat of his family, and concerned over its waning power, Ottaviano gave pawns and hostages to Oddo, and promised that he would deliver Berald into his hands.¹⁹

The forces of the Ottaviani took heart, but when Ottaviano failed to act, Oddo seemingly began to worry that his brother would betray him in the same way that he had betrayed Berald. One day when Ottaviano was in the presence of Berald and a number of knights, Oddo's son, also named Ottaviano, arrived and accused his uncle of perjuring himself against his father. This public revelation of his treachery struck Ottaviano to the quick. Fearing for his life, he confessed everything to Berald, who forgave him after he had left his son as security, paid fifty pounds in amends, and sworn a new oath.²⁰

But tormented by his dual loyalties, Ottaviano again succumbed to Oddo's pressure. The brothers raised an army to invade the property of Farfa and to free Oddo's son, but on the point of battle, certain *fideles* from both sides prevailed upon the belligerents to back off and to accept arbitration. The arbitrators chosen were the Ro-

eius auctoritatis sententiam de his quisque observaret. sed neque hoc ipse Oddo accipere, neque a damnis bonorum Sanctae Mariae voluit quiescere."

¹⁹ Ibid., 231: "deinde praedictus Oddo mentem fratris sui Octaviani, domni abbatis socii et iurati, corruptit, et ut ab eo recederet persuasit, atque ut sibi in captionem domnum abbatem traderet sacramentum et obsides ab eo in termino statuo accepit."

²⁰ Ibid.: "sed cum hoc praevaricans idem Octavianus minime adimpleret, venit eius nepos Octavianus filius Oddonis, et ante domnum abbatem coram equitibus ibidem astantibus appellavit eundem Octavianum periurum esse contra patrem suum. quo audito, percussus pavore Octavianus et verecundia constrictus, reum se contra domnum abbatem per omnia confessus est fuisse."

mans, Tebaldo Cencii and Petrus Leonis.²¹ Both sides presented pawns and hostages as security that they would submit to arbitration. The proceedings were scheduled to be held in Rome in the church of San Nicola in Carcere, formed out of three ancient temples next to the Teatro Marcello. The family of Petrus Leonis—the Pierleoni—dominated this quarter; San Nicola virtually functioned as their private church, and the Teatro as their fortress.

Gregory of Catino does not reveal the identity of those who arranged the arbitration, nor does he explain why they chose Petrus and Tebaldo as arbitrators. It would appear that since both Farfa and the Ottaviani accepted the two Romans, either they must have believed that they would be open minded and fair, or they reasoned that they would counterbalance one another. But these alternatives are based upon the assumption that the litigants and the arbitrators wanted to resolve the dispute. It is more than possible that Farfa or the Ottaviani intended to manipulate the proceedings for their own advantage. Likewise, the arbitrators may have had their own hidden agendas, perhaps even to reset the balance of power between the papacy and the empire in the Sabina. Their backgrounds may provide some clues for assessing whether they served as impartial arbitrators or as active agents.

Tebaldo Cencii and Petrus Leonis

The addition of “Cencii” to his name signifies that Tebaldo was an offspring of the Crescentii.²² As we have already seen, branches of the family were powerful in Rome as well as in the Sabina. Indeed, Castel San Angelo, the former mausoleum of the emperor, Hadrian, which had been transformed into a fortress used for defending the Leonine City, was also called the *turris Cencii* (*Crescentii*). In addition

²¹ Ibid., 232: “tunc quidam fideles se intermiserunt, et obsides et pignera ab utrisque acceperunt, et in manus Romanorum Petri Leonis et Tebaldi Cencii dederunt, ut in eorum curia legaliter ipsa intentio iudicaretur et iuste finiretur.”

²² Heinzelmann, *Streitschriften*, n. 1, p. 92; Hüls, *Kardinäle*, pp. 260–262; for the genealogy see David R. Whitton, *Papal Policy in Rome 1012–1124*, Ph.D. thesis (Oxford, 1979), pp. 217–236; Jürgen Petersohn, “Der Brief der Römer an König Lothar III. vom Jahre 1130,” *Deutsches Archiv für Erforschung des Mittelalters* (1994), 461–507 at 488–490; Matthias Thumser, *Rom und der römische Adel in der späten Stauferzeit*, vol. 81 of *Bibliothek des Deutschen Historischen Instituts in Rom* (Tübingen, 1995), pp. 203–204.

to the *terme Alessandrine*, other centers of the family's power were the Quirinale and possibly the *terme Constantiniane*.²³ Similarly the Cenci brushed up against the Pierleoni in the rione Regola around San Angelo in Pescheria just west and north of the Teatro Marcello. The present day Piazza dei Cenci is a reminder of their presence.²⁴

Tebaldo was the son of Cencius Stephani, a friend of Wibert of Ravenna (Clement III).²⁵ At the beginning of the reign of Gregory VII Cencius Stephani led the opposition to the reform papacy.²⁶ He participated in the abduction of Gregory VII from Santa Maria Maggiore on Christmas Eve, 1075, but when Gregory was released, Cencius was forced to seek refuge with Henry IV.²⁷ For this reason his children, including Tebaldo, may still have been banned from Rome after their father's death in 1077. When Henry IV arrived in Rome in 1084 with a strong army, and Gregory VII had to retreat

²³ Carlo Cecchelli, *I Crescenzi, I Savelli, I Cenci; Le Grandi famiglie Romanè II* (Rome, 1942), pp. 10–16.

²⁴ *Ibid.*, 26–28.

²⁵ Cesare Frascchetti, *I Cenci: Storia e Documenti dalle Origini al Secolo XVII* (Rome, 1935), p. 36. His siblings were Pietro, Giovanni and Rogata.

²⁶ *Ibid.*, 37; Cencius Stephani's brother, Stephen, killed the prefect, Cencius, who was the son of Johannes Tinios, Hildebrand's protegee.

²⁷ Bonizo of Sutri, *Liber ad amicum* MGH LdL 1:568–620; p. 606; Cencius captured Gregory and brought him to his tower; the Romans captured the tower, and Gregory prayed for Cencius' life; "Dehinc cum Lateranis papa remeasset, sequenti die Romani auctorem tanti flagicii cum omnibus sibi complicitibus a civitate expellunt turreisque eorum solotenus destruunt." pp. 610–611; 1077 after Canosa while Henry IV was in Lombardy; "Per idem tempus Deo odibilis Cencius, de quo supra memoravimus, ad eum venit; quem diebus utpote excommunicatum recusabat, noctibus vero totum se eius pestiferis donabat consiliis. Cumque videret papam nullo modo a Canusio castro posse divellere, Papiam tendit; ibi Deo odibilis Cencius amara morte mortuus est. Cuius funus Guibertus cum aliis excommunicatis mirabili pompa celebravit."

Paul Kehr, "Due Documenti Pontifici illustranti: La Storia di Roma negli ultimi anni del Secolo XI," *Archivio della R. Società Romana di Storia Patria* 23 (1900), 277–283; Encyclical of Urban II announcing his victory over the forces of Clement III; pp. 277–278: "... Misericordia deinde postulata a nostris abire permissus est, sui pene omnes pedite abierunt. Cameram pro iumentorum inopia apud Theobaldum Cincii filium reliquit." Teobaldo was among the eminent Romans that approved a council held by Clement III, August, 1098. *Benonis Aliorumque Cardinalium Scripta* LdL 2:366–422; p. 405: "Litterae, quibus vocati sunt Hildebrandini heretici ad audientiam. . . . [long list] et clarissimi principes laici Thebaldus Chinchii et Odalricus de Sancto Eustachio . . ."

G. B. Borino, "Cencio del prefetto Stefano l'attenditore di Gregorio VII," *Studi Gregoriani* 4 (1952), 373–440; I. S. Robinson, *The Papacy 1073–1198: Continuity and Innovation* (Cambridge, New York, 1990), pp. 6–7; Frascchetti, *I Cenci*, p. 40; Tebaldo (Frascchetti says Cencio) was involved several times in conflicts with successors of Gregory VII; e.g. Velletri, June, 1089, fought with forces of Clement III against those of Urban II.

to Castel S. Angelo, Cencius' children were able to reenter the city. Tebaldo reappeared in the midst of the partisans of Clement III, and in 1089 Clement entrusted him with his treasury.²⁸

Besides his involvement with the Clementine papacy Tebaldo is known for having usurped the castles of Flaianum, Baccaricia, and Liprinianum from San Paolo fuori le mura. Located in the Collinense area just to the west of the Flaminia leading north out of Rome, they lay almost directly west of Farfa.²⁹ Whether their proximity to Farfa influenced Tebaldo is unknown. It is also only suggestive that the Cenci's opponent, Gregory VII, had put San Paolo directly under the pope, and had made a great effort to restore the monastery's possessions.³⁰ Whatever Tebaldo's reasons for seizing the castles, his son, Stefano agreed to return them to S. Paolo in the presence of Paschal II.³¹ The year is unknown, but clearly an arrangement had been worked out beforehand, for Paschal then ordered Anastasius, the prior of S. Paolo, to lease the castles of Flaianum, Baccaricia, Liprinianum, Civitella, and Strictiana to Stefano and his brother, Cencius.³²

From what we know of Tebaldo and his family, therefore, they allied themselves with the emperor and opposed the reform papacy. As a descendant of the Crescentii it might have been anticipated that he would have been empathetic with the Ottaviani, but as a supporter of Henry IV he might have been expected to be sympathetic to an imperial monastery. He appears to have been an ideal candidate to arbitrate the dispute.

By contrast, the Pierleoni distinguished themselves as the most steadfast defenders of the reform papacy. Petrus Leonis' grandfather, Baruch, had been a Jewish banker, who converted to Christianity in the middle of the eleventh century. Modifying his own name to "Benedictus Christianus," he named his son, Leo, after Leo IX. Leo facilitated the entry of Nicholas II into Trastevere after his election as pope in Sienna, and in 1060 he witnessed a bull involving both the

²⁸ Hüls, *Kardinäle*, n. 63, p. 260; cf. p. 262.

²⁹ Schuster, *S. Paolo fuori le mura*, p. 74 for a description of property of S. Paolo according to the bull of Gregory VII.

³⁰ *Ibid.*, 78–90; Schuster (p. 88) speculates that Tebaldo invaded the castles when the Corsi occupied S. Paolo. He suggests that the reason was that Tebaldo opposed the concession of Vaccaricia to Rogata, daughter of Crescenzo. See the geneological chart of the Crescenzi—"Ottaviani", Toubert, *Structures* 2, p. 1087.

³¹ Trifone, "Le Carte del monastero di San Paolo," p. 286.

³² *Ibid.*, 287.

Crescentii and Farfa. The bull records Nicholas II's investiture of Berard I with the castles of Tribuco and Arce, which Crescentio, son of Ottaviano, and his two sons had usurped.³³ Leo's signature on this bull directed against the Crescentii would have been a point in his favor at Farfa.

When Leo died after 1062, his son, Petrus, carried on his father's legacy of supporting the reform popes.³⁴ Petrus' continued loyalty to Gregory VII after Farfa and much of the church had abandoned the exiled pope in 1084 may have signaled the beginning of divergences between the Pierleoni and Farfa. As the Investiture Contest progressed, and the hostility between the reform popes and the emperors intensified, the fissures no doubt widened.

There were, accordingly, patterns that ran through the background of both arbitrators. Tebaldo sprang from a family inclined toward imperial causes, and Petrus Leonis from one favoring the reform popes. But this distinction may not have been as relevant as it might first appear, since the parties in the dispute did not divide neatly along lines of allegiance to the emperor or to the papacy. Both the Ottaviani and Farfa claimed that their basic rights came from the emperor, and neither was known for its strong support of the reform papacy.

However, policies were always changing, and the papacy's emphasis at the time of the trial on the establishment of dominium over the Sabina might have sparked a reshuffling of alliances. Farfa opposed this initiative, but the Ottaviani might have found it advantageous. Paschal had already initiated better relations with the family in 1100 by appointing a prelate named Crescentius as cardinal bishop of the Sabina.³⁵ Moreover, Johannes, Oddo and Ottaviano's brother, was

³³ *Regesto* 4, #906, pp. 300–302; p. 302: “Leo de benedicto christiano subscripsi.” The third signature, before that of the cardinal bishops, is “heldibrandus Sanctae Romanae ecclesiae . . . archidiaconus.” The text also mentions Sinebaldus, p. 300: “Post haec domino papa reuertente misit ad eos [the Crescentii] sinebaldum comitem et farulfum dentulum fidelem eorum, ut octauo die postquam ipse reuenteretur romam uenirent et abbati legem facerent . . .” Supporting Farfa's position on the perpetuity of papal pronouncements, Nicholas declares: “Acta quae sunt translata in publicis monumentis perpetuum uolumus habere firmitatem.”

³⁴ Much has been written about the Pierleoni. See for example Pietro Fedele, “Le Famiglie di Anacleto II et Gelasio II,” pt. I. “La Famiglia di Anacleto II,” *Archivio della R. Società Romana di Storia Patria* 27 (1904), 400–433; Pier Fausto Palumbo, *Lo Scisma del MCXXX* (Rome, 1942), passim; for sources and references to some of the more recent literature see Mary Stroll, *The Jewish Pope: Ideology and Politics in the Papal Schism of 1130* (Leiden, 1987), passim; idem, *Symbols as Power*, pp. 95–105; Heinzelmann, *Streitschriften*, n. 1, p. 91.

³⁵ Hüls, *Kardinäle*, pp. 127–128; Carlo Servatius, *Paschalis II. (1099–1118)*, vol. 14

Paschal's close ally. As the abbot of Subiaco Johannes was a power in Latium, and as a cardinal he had influence on the papal curia. The trial may have presented the perfect opportunity for Paschal to build upon this foundation by supporting the Ottaviani in return for their acquiescence in papal expansion.

Concomitantly, Farfa, their mutual opponent, would be dealt a setback. Petrus Leonis could not have been unaware of Paschal's sympathies, and it does not defy credulity to imagine that he might have tailored his judgment accordingly. The plausibility of this scenario is strengthened by Paschal's appointment of Oddo and Ottaviano as rectors in 1106 after the tribunals.³⁶ But would Farfa have walked so meekly into the trap? The astute Berald III must have thought that he could prevail.

The Trial

The transformation of the property dispute between Farfa and the Ottaviani from the battlefield to a court of arbitration did not entail any lessening of passion. The two sides continued to defend their positions just as vigorously through the legal process as they had through arms. What immediately distinguished the proceedings was the level of legal expertise.³⁷ No doubt Gregory of Catino contributed to Farfa's defense, at least by producing documents from its archives, but the abbey had lawyers as well.³⁸ The counts also had their advocates. Like those of Farfa, they showed themselves to be well-trained and skilled in legal procedure. The time of the trial coincided with the beginning of the revival of jurisprudence centered in Bologna, and possibly the tribunal in San Nicola in Carcere was one of the first in which its *jurisprudentes* performed.³⁹ There is also

of Päpste und Papsttum (Stuttgart, 1979), pp. 43–44. There is no proof, but the new cardinal may have stemmed from Rome or its environs.

³⁶ Vehse, "Die päpstliche Herrschaft," pp. 152, 159; Vehse speculates that in the appointment of rectors in 1106 Paschal wanted to be regarded as the rightful *Staatsoberhaupt* in the Sabina. For evidence that Oddo and Ottaviano were rectors in 1106, *Regesto* 5, #1197, an. 1106, pp. 192–193; p. 192: "Imperante domno heinrico, et oddone et octaviano comitibus sabinensis territorii."

³⁷ For a discussion of legal terminology and the development of judicial proceedings in the Sabina during this period see Toubert, *Structures* 2, pp. 1194–1335.

³⁸ *Chron.* 2, p. 232: "altercantibus vero causidicis utriusque partis . . ." p. 233: "at contra iudex alius Sanctae Mariae partis . . ."

³⁹ Charles M. Radding, "Vatican Latin 1406, Mommsen's Ms. S, and the Reception

some evidence of a Roman school of law, and the Lateran had its corps of experienced judicial personnel.

The legal maneuvering began immediately. Oddo refused to swear the oath *calumniae* because he had already presented pawns and hostages as a sign of his good faith. As a substitute he offered to have a suitable person swear for him.⁴⁰ His real and stated reasons for his refusal were probably quite different. Presumably as a priest Berald was not required to swear the oath, and rightly feeling that he would appear at a disadvantage if he were required to swear and his opponent was not, Oddo refused. Gregory reports that even though everyone did not agree that it was legal, Berald nevertheless accepted Oddo's proposal.

Ottaviano did not share his brother's sensibilities, and agreed to swear the oath. At that moment Count Gentile stepped forth and reminded Ottaviano and those present that he had witnessed the oath that Ottaviano had sworn to Berald to protect the property that Farfa had acquired or would acquire in the future. Gentile testified that Ottaviano had broken his oath, and warned him against committing perjury. Upon hearing that Ottaviano had previously perjured himself, Petrus Leonis refused to allow him to swear the oath.⁴¹ Thereafter Ottaviano is not mentioned.

After this preliminary skirmishing, both sides presented their cases. Gregory scoffs at the poor and skimpy evidence introduced by the lawyer (*iudex*) for the Ottaviani. Presumably the lawyer did not submit a decree from Henry IV guaranteeing the Ottaviani property rights over the Sabina, since even Gregory could not have described such evidence as poor and scanty. Whatever the evidence was, Oddo's lawyer contended that it justified the restoration of Oddo's rights over the castles.⁴²

of the Digest in the Middle Ages," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, RA 110 (1993), 501–551; The article contains an excellent survey of the revival of jurisprudence.

⁴⁰ *Chron.* 2, p. 32: "ventum est ad sacramentum calumniae quod per se facere Oddo rennuebat, dicens, sibi cum obsides et pignera darentur per pactum fuisse remissum et concessum, ut per appositam personam ipsum faceret sacramentum."

⁴¹ *Ibid.*: "Octavianus autem cum se praesentasset ut sacramentum faceret calumniae, innotuit ei et ad memoriam reduxit Gentilis comes coram omnibus qualiter olim domnum Beraldum abbatem et monasterium Sanctae Mariae per sacramentum firmavit acquisita et acquirenda in toto territorio Sabinensi, sicut supra relatam est, ideoque non deberet temere et scienter in periurium currere, quia se vidente et audiente hoc fecerat, et ipse legaliter defendens testificabatur. deinde Petrus Leonis hoc audiens suggerendo cohibuit. quapropter substitit et minime iuravit."

⁴² *Ibid.*, 232–233: "tunc quidam iudex ipsius partis sine qualitate vel certa quan-

Farfa's lawyer (*iudex*) argued to the contrary, but Petrus Leonis was disposed to rule in favor of Oddo. Petrus' authority seems to have been superior to Tebaldo's, for in this context he is called *arbiter*, and Tebaldo his *socius*. Nevertheless, Tebaldo succeeded in winning a postponement. He drew attention to the fact that the sentence was controversial, and argued that more time was needed to consider the case carefully.⁴³ The adjournment may have been a sign that other forces were feverishly maneuvering in the background, and that the case was taking on further dimensions.

When the trial resumed Berald again appeared armed with his documents, but this time it was Petrus Leonis who postponed the decision. With the elapse of the second postponement Petrus wished to make a judgment, but the lawyers showed that the time period for the proceedings had expired, and stated that a judgment would not be legally binding.⁴⁴ On such an indefinite note the first arbitration ended. With a sigh of relief, Gregory states that Farfa had escaped the entrapment in which its opponents had clandestinely plotted to ensnare it.⁴⁵

From this sketchy report one can only conjecture what negotiations had been going on behind the scenes. Gregory implies that the Ottaviani and Petrus Leonis together were engaged in a conspiracy against Farfa. Petrus' ruling against Ottaviano on the oath issue is not necessarily evidence to the contrary, for rather than indicating a lack of support for the Ottaviani, it might have been a judicious balancing act. Since the tribunal had acceded to Oddo's refusal to swear the oath, it would have appeared blatantly partisan to rule in their

titate et indiffinite sententiam dedit, dicens quod eidem Oddoni ius suum de praefatis castellis deberet restitui."

⁴³ Ibid., 233: "tunc Petrus Leonis, arbiter constitutus, laudare diffinite voluit, favens magis parti Oddonis. sed Tebaldus Cencii socius eius, videns sententiarum controversiam, non consensit, sed alium terminum composuit, ut clarius consultiusque causam eandem diffinire valerent."

⁴⁴ Ibid., 233: "sed idem Petrus causam distulit et non laudans postposuit. peracto vero termino, proferre voluit diffinitionem, sed, lege iubente, post terminum datam altera pars, ostensum est a iudicibus nulla ratione illam suscipere cogi debere." The text is somewhat indistinct. Heinzelmann interprets it as stating that Petrus again postponed judgement, but changed his mind soon thereafter, and wanted a final judgment to be decreed after the end of the period of postponement. *Streitschriften*, p. 92: "Von dem zweiten Termin wurde die Entscheidung von Petrus Leonis wieder verschoben. Bald aber besann er sich anders und wollte nach Ablauf des Termins ein Endurteil fällen."

⁴⁵ Ibid.: "sic ergo divina agente miseratione desiit laudare vel diffinire, et equior pars Beatae Mariae a decipientium tunc clandestina erepta est deceptione."

favor again. Besides, Gentile's revelation was clearly incriminating.

The pattern of decisions made throughout the tribunal gives us very few clues. The only opinions clearly indicating the inclinations of the two arbiters were the first, where Petrus Leonis was inclined to favor the Ottaviani, and Tebaldo perceived that such a judgment would be precipitous. His call for further examination of the evidence most probably was calculated to save Farfa from defeat. When Oddo failed to appear after the first postponement, it appears as though he and Petrus had agreed in advance that Petrus would postpone the hearing a second time. Gregory's expression of relief that Farfa had escaped from the conspiracy contrived against it implies that Petrus had never deviated from his first inclination to rule in favor of the Ottaviani. At the end of the trial Petrus seems to have had the backing to sustain his judgment, but he was outmaneuvered by Farfa's lawyers, perhaps with the connivance of Tebaldo.

Even though the tribunal ended in a draw, it would seem as if Berald and his associates had been naive in agreeing to the format. The setting in San Nicola in Carcere next to the Teatro Marcello in the Pierleoni's stronghold gave Petrus Leonis a distinct advantage. Tebaldo, who was no match for Petrus Leonis in any domain, suffered the further liability of operating on non-neutral territory. But Berald may not have assumed that Petrus Leonis would automatically side with the Ottaviani, for did Oddo and Ottaviano not claim that they had received their rights over the Sabina from the emperor? And would these rights not work at cross purposes to the papacy's desire to dominate the Sabina? Berald knew that Paschal was no more anxious to give the nobility an upper hand in the Sabina than Farfa.

If the sinews connecting the parties to the papacy and the emperor were flabby in the first tribunal, both sides tightened them in the second. Relinquishing their reliance on imperial privileges, the Ottaviani unabashedly tied themselves to the papacy's apron strings. Farfa responded with a blistering attack on the papacy's claim to secular rights. This time the nominally local property dispute was indisputably cast in the mold of a debate between *regnum* and *sacerdotium*.

CHAPTER SEVEN

THE OTTAVIANI'S DEFENSE: THE DONATION OF CONSTANTINE

Shortly after the collapse of the proceedings in San Nicola in Carcere, Petrus Leonis and Tebaldo turned over the custody of the hostages and pawns to Count Rainald, son of Senebaldo.¹ Gregory does not reveal how or why Rainald was chosen to be the new arbitrator, but he does express confidence that the count would prove to be more impartial than his two predecessors. He complains that the excessive wrangling of the lawyers also had contributed to the impasse reached in the first tribunal. By eliminating this diversion in the second hearing, and by avoiding any pleas (*sine causatione*), he expresses confidence that the controversy could be settled amicably through the orderly presentation and evaluation of evidence.²

To this end, Gregory's narrative suggests that both sides may have kept their counsels on shorter rein. In the first tribunal he referred to the legal spokesman for each side as a "iudex." In the second, even though occasionally he will refer to the legal spokesman as a "causidicus," and at the end of his narrative, he will list a "iudex" for each side, during the tribunal Gregory refers to the advocates as "pars Oddonis" and "pars Beatae Mariae." Any attempt to emphasize substance over procedure did not serve to simplify the strategy devised by each side, however. Both parties developed a complex, sophisticated defense, requiring the mastermind of more than just a provincial advocate or a simple archivist. No doubt, with his unmatched knowledge of the archives, and as a veteran of numerous conflicts, Gregory of Catino toiled behind the scenes, but Farfa's

¹ *Chron.* 2, p. 233: "et non multo post iterum praedicto Oddone conveniente cum legatis domni abbatis, sublati sunt obsides et pignera a Romanis et dati sunt in manus comitis R[ainaldi] fili Senebaldi . . ." Gregory sometimes spells the name, "Senebaldo," as "Sinebaldo." There are also other counts with the same names. E.g. *Chron.* 2, p. 263 for references to two different "Senebaldi."

² *Ibid.*: "ut restitutione remota, et superflua causidicorum controversia diminuta, in curia ipsius tempore statuto utriusque partis amiciter et sine causatione ostenderentur monimina et instrumenta ac rectitudinis iura, et sic benigne atque pacifice et aequiori animo praefati R[ainaldi] comitis meditatione recta ipsa finiretur causa."

lawyers must also have been trained in Roman and Lombardic law. On the counts' side, the nature of the evidence strongly suggests that theoreticians laboring within the papal curia formulated the arguments.

The Family of Count Rainald

Rainald's background might reveal some clue suggesting why Gregory of Catino thought that he would be a more evenhanded judge. The picture is not reassuring. Although his father, Senebaldo, was a scion of the Crescentii, it was not the branch to which Oddo and Ottaviano belonged. His branch had a long, and inconsistent relationship with Farfa. For example, it was his grandfather, Crescentius, son of Ottaviano, who invaded Tribuco in 1060, and cut off the nose of the monk who defended the fortress.³ Thereafter Crescentius and his sons—Iohannes, Cencius, Guido, and Rusticus, the father of Senebaldo—defended the fortress by violence as well as artifice.

We have already seen that Berard I appealed to Nicholas II to intervene, but since Nicholas was then in Florence, he commanded Johannes Tinioso, the prefect of Rome, to order the family to desist. Rather than complying, Crescentius and his sons intensified the violence. When Nicholas returned to Rome he sent count Senebaldo—the son of Rusticus!—and one of their vassals to command them to appear in order to render justice to Farfa.⁴ Iohannes, the son of Crescentius, and Berard I appeared, and Nicholas commanded Iohannes to give satisfaction to Farfa. Iohannes succeeded in securing delays, but when he did not appear after the allotted time, all of the judges agreed that Nicholas should invest Farfa with the property confiscated by the Crescentii, including the castles of Tribuco and Arce. The proceedings were drawn up on April 28, 1060.⁵

³ *Regesto* 4, #906, an. 1060, pp. 300–302; p. 300: “Crescentius igitur octauiani filius inuasit quoddam castellum aecclesiae sanctae MARIAE quae dicitur in pharpha quod nominatur trebucum, et monacho ibi inuento nares abstulit ad iniuriam seruitorum eiusdem monasterii.”

⁴ *Ibid.*: “Post haec domino papa reuertente misit ad eos sinebaldum comitem et farulfum dentutum fidelem eorum, ut octauo die postquam ipse reuerteretur romam uenirent et abbati legem facerent.” Bossi, “I Crescenzi di Sabina,” p. 145 for the family tree.

⁵ *Ibid.*, 301: “Hoc audito dominus papa quaesiuit consilium a iudicibus quid super hac re fieri deberet. Qui omnes consona uoce dixerunt capitulum libri codicis

These events demonstrate that the family did not act as a unit, and indeed, that Senebaldo presumably even opposed his own father. Rather than identifying with his family's interests, he placed his loyalty with Nicholas, who already had appointed him and Stefano as rectors in 1059.⁶ Senebaldo functioned in that capacity until 1066. He also showed himself to be a friend to Farfa. On at least two occasions—once with his brother, Ugolino—he made donations to Farfa.⁷

It has been speculated that Senebaldo died in 1066, but it seems more probable that he lived until 1084, when Henry IV forced his father, Rusticus, to return the castle of Fara to Farfa.⁸ Berard I, in turn, gave Rusticus a few castles, one of which Rusticus handed over to Senebaldo.⁹ Two years later in 1086 a charter speaks of property bordering on property belonging to the heirs "Sinebaldi."¹⁰ Seemingly Senebaldo had died in the interim. If any characteristic marked his family, it was the absence of staunch loyalties. This very lack of

iustiniani [n.b.], ita dicens: 'Eius qui per contumaciam absens cum ad agendam causam uocatus esset condemnatus negotio prius summatim perscrutato appellatio recipi non potest.' In 1062 Count Senebaldo turned over the castello di Terraniano to Farfa. Ibid., #928, p. 323: "Hoc factum et diffinitum est in praesentia gentilis comitis et carbuncelli filii eius..." In the same year Rustico, son of Crescenzo d'Ottaviano, yielded Arce and the part of Tribuco he possessed that he had unjustly usurped from Farfa. Ibid., #931, pp. 325–326; Also in 1062 Rustico sold some property in the Sabina. Ibid., #932, pp. 326–327; In a charter of 1064 Senebaldo is mentioned as a count of the Sabina in a sale of some property that Dono and his wife, Tederanda, made to their sons Donadeo and Gregorio [of Catino]. Ibid., #965, p. 349: "Temporibus domini alexandri papae ij, et Senebaldi et Stephani insimul comitum territorii Sabinensis. Senebaldo is mentioned in succeeding documents through 1066, (ibid., #966, #968, #969, #970, #971, #973, pp. 350–353; #977, pp. 356–357). In 1067 he is no longer mentioned. Ibid., #975, p. 353.

⁶ E.g. *Regesto* 4, #907, pp. 302–303, An. 1059–61: "Temporibus domini Nicolai sanctissimi secundi papae, et uiri uenerabilis iohannis aepiscopi, et sinebaldi et stephani amborum et insimul comitum territorii sabinensis." Ibid., #965, p. 349 (as in n. 5), #973, an. 1062, p. 353: "Temporibus alexandri secundi papae et uiri uenerabilis iohannis aepiscopi, et senebaldi et stephani insimul comitum territorii sabinensis."

⁷ *Chron.* 2, p. 149: "item, Senebaldus comes refutavit in hoc monasterio et investivit totum castellum de Terraniano cum omni pertinentia..." p. 212: "item, Senebaldus filius Rustici et Ugolini germanus eius concesserunt huic monasterio et domno B. abbati portionem suam de Catino et Luco..."

⁸ Vehsi, "Die päpstlichen Herrschaft," p. 152, suggests that he may have died in 1066.

⁹ *Regesto* 5, #1085, pp. 80–81, An. 1084, p. 81: "... et alterum casalem cum medietate alterius casalis, quem ego dedi comiti senebaldo in pertinentia de phara in loco qui dicitur sancta Maria in ciciliano." Bossi, "I Crescenzi di Sabina," p. 139.

¹⁰ Ibid., #1111, pp. 111–112, An. 1086, p. 112: "A ijo latere terram tenentes haeredes sinebaldi comitis..."

definition, where Senebaldo could interact with the Ottaviani, the papacy, and Farfa, but yet be identified with none of them, may have recommended his son, Rainald, for the delicate task of adjudicating the dispute between Farfa and the Ottaviani.

We remember that Senebaldo's other son, Gentile, witnessed the charter of 1103 recording Petrus' (son of Grazzone) return of the tower and castle of Marcilianus to Farfa.¹¹ In Gentile's presence Ottaviano swore that he would uphold the transfer of the property, and defend any future grants to Farfa in the county of Sabina. It was this oath that precipitated hostilities between the Ottaviani and Farfa. Gentile entered the scene again in San Nicola in Carcere when he dramatically revealed that Ottaviano had broken his oath. From this limited evidence it appears that Gentile, like his father, felt no strong partisanship for the Ottaviani.

What, then, do we know about Rainald himself? On September 7, 1109, Rainaldus Sinebaldi witnessed a bull of Paschal II. Among his co-signatories were Johannes de diaconia Cosmedin (papal chancellor, and the future Gelasius II), Octavianus, Oddo fili[us] Johannes de Oddone, Huguizon filius Petri de Leone, and Cintius Johannes de Crescentio.¹² We note their importance, and that among them were Oddo and Ottaviano themselves, and Huguccio, the son of Petrus Leonis. None of them, including Paschal II, had been on Farfa's side.

But we shall see, in 1121 Rainald so loyally supported the emperor—at that time Henry V—that he would not let his son, Adenulf, stand for election as abbot of Farfa as long as the emperor recog-

¹¹ *Chron.* 2, pp. 229–230: “similiter, Petrus filius Grazonis refutavit et reddidit turrem et castellum Marciliani in hoc monasterio et ad domnum suprascriptum B[eraldum] abbatem. huic facto interfuit et consensit Octavianus comes filius Iohannis Oddonis coram Gentile comite filio Senebaldi, et per sacramentum firmavit . . .” A document of 1119–1125 describing the dissent of the monks of Farfa to Guido III states: “In qua graviori penuria illustrissimi comitis R. senebaldi et eius fratris G. nobis amplior affuit benignitas, impertiendo nostrae necessitati alimonia plurima.” *Regesto* 5, p. 320; Servatius, *Paschalis II.*, p. 75.

¹² An excerpt from the Register of Paschal II states that on September 7, 1109 Paschal granted the towns of Pontius and Efides to Johannes, abbot of Subiaco, just as he had granted other lands in the Campagna. Still others he left to the jurisdiction of St. Peter. *Le Liber Censuum de L'Église Romaine*, ed. Paul Fabre & Louis Duchesne, Bibliothèque des École Française D'Atènes et de Rome, 2^e série 2 vols. (Paris, 1905), vol. 1, p. 407: “Testes affuerunt Cintius Sabinensis episcopus, Leo Vilitranus, . . . Tiburtinus, Anastasius cardinalis tituli Pamachii, Johannes de diaconia Cosmidin, Berardus de Pisciola, Rainaldus Sinebaldi, Octavianus, Oddo fili[us] Johannis de Oddone, Petrus de Rofrido, Rofridus de Ceperano et alii plures; Romanus Albo, Romanus Scotta, Huguizon filius Petri de Leone, Cintius Johannis de Crescentio.”

nized another candidate. Ties between Rainald and the emperor, however, did not translate into ties between Rainald and Farfa. Many of the monks declared that they had doubts about Adenulf because his father, and indeed his grandfather and great-grandfather, had not shown themselves to be friends of Farfa.¹³ By listing one generation after the other, the monks implied that the family per se was hostile to Farfa. The *graviiores seniores*, however, did not paint the family with such a broad stroke. Seeing Adenulf as Farfa's salvation, they argued that the sins of the father should not be visited upon the son.¹⁴

We do not know if these criticisms of Rainald in 1121 arose in part out of dissatisfaction of his handling of the dispute between Farfa and the Ottaviani. At the time of the second tribunal, however, Rainald did not have his own track record, and his father and brother had shown themselves to be independent. Unlike Petrus Leonis, Rainald had not established strong ties with the papacy, and if his fidelity to the emperor were budding, Farfa would have viewed its unfolding as a recommendation. Better than the Romans in the first tribunal, Rainald knew the local situation, and the Ottaviani must have felt that as a count he would be sensitive to their rights. Apart from Rainald's impartiality, or lack thereof, each side had an agenda transcending the immediate dispute, and the second tribunal provided an ideal springboard for promoting it.

Fratri Berardi monachi et abbatis monasterii Farfensis liber

The account of the proceedings in the *Chronicon* moves seamlessly from the first tribunal to the second. Gregory follows his sigh of relief that Farfa had escaped the conspiracy secretly contrived against it, with an account of the second tribunal. He states that soon after the proceedings in Rome, both sides gave hostages and pawns to Count Rainald.¹⁵ After expressing his optimism that the new tribunal

¹³ *Regesto* 5, an 1121, p. 320. "Quidam vero nostrorum cognoscentes equitum voluntatem de domni adenolfi abbatis assumptione, non modice dubitabant, quia pater eius et auus etiam abauus cum huius ecclesiae praelatis plurimas habuerunt discordias, et de multis rebus quas haec acquisiuit ecclesia multotiens contrarii extiterant."

¹⁴ *Ibid.*: "'Filius non portabit iniquitatem patris, et pater non portabit iniquitatem filii.'"

¹⁵ *Chron.* 2, p. 233; see n. 1 above.

would be more fair, he announces its opening. He reports that Oddo's side declared that it intended to base its claims to the possession of the disputed property on rights granted by St. Peter and his successors.¹⁶ Given the fact that Gregory frequently remarks on the proceedings, it is surprising that he allows this astonishing switch in the Ottaviani's defense to pass without comment.

At this point the narrative begins to coincide with a polemical tract transmitted by the sixteenth century humanist and Augustinian canon, Onophrius Panvinus, entitled *Fratri Berardi monachi et abbatis monasterii Farfensis liber*.¹⁷ Panvinus states that he excerpted (*excepi*) the tract from an ancient book from Farfa that was more than four hundred years old. He characterizes this book as relating the *res gestae* of the abbots over the ages.¹⁸ The tract is usually known as the *Liber Beraldi* instead of the *Liber Berardi* because of Gregory's consistent spelling of "Beraldus."¹⁹ Giving no hint of a previous tribunal, it immediately jumps into the second hearing, but with an introductory statement partly paraphrasing the text in the *Chronicon*.²⁰ It states that a controversy arose between Berard, abbot of Farfa, and Ottaviano and Oddo, sons of Johannes Oddonis, over certain castles in the Sabina that the Ottaviani had captured. Oddo defended himself on rights received from St. Peter and his successors, who had donated almost the whole county of the Sabina to Oddo's forefathers.

¹⁶ Ibid.: "... et sic benigne atque pacifice et aequiori animo praefati R[ainaldi] comitis meditatione recta ipsa finiretur causa. cumque statuto simul termino convenissent, pars Oddonis agere coepit contra partem domni abbatis, dicens se causam ipsam inquirere ac defendere per sancti Petri eiusque successorum pontificum possessionem." see n. 2 above.

¹⁷ Ibid., 233–257; Munich, Staatsbibliothek, CLM 148, fols. 186r–196v; *Fratri Berardi monachi et abbatis monasterii Farfensis liber*, ed. Heinzelmänn, *Streitschriften*, pp. 40–64. From photocopies of the Panvinus ms. I note that emendations in the edition sometimes change the emphasis.

¹⁸ Clm 148, fol. 185r: "Hunc uero tractatum excepi ex antiquissimo, et ante cccc annos scripto libro monasterii Farfensis, in quo omnium eius monasterii abbatum res gestae per singulas aetates referuntur" Heinzelmänn, *Streitschriften*, n. 1, pp. 8–9; edition, "quadringentos" instead of "cccc."

¹⁹ Panvinus spells the name "Berardus" (fol. 100v) or "Bernardus" (186r). Heinzelmänn (p. 39) attributes Panvinus' spelling to his attribution of the tract to Berard I.

²⁰ Heinzelmänn, *Streitschriften*, p. 40: "Cum controversia orta esset inter fratrem Berardum monachum abbatemque Farfensem et Octavianum Oddemque comites, filios Iohannis Oddonis, ob quaedam castella agri Sabinensis, quae ipsi a iurisdictione monasterii Farfensis vi abstulerant, re in litem pertracta, Oddo se ipsum tueri ita coepit, quod causam suam defendere teneretur per sancti Petri eiusque successorum pontificum Romanorum, a quibus toto pene comitatu Sabinensi sui maiores donati fuerant possessionem."

Basically, the text goes on to defend Farfa's liberties and property rights against any comital or papal claims. I shall examine the arguments adduced by both sides, but first a few questions about the *Liber Beraldi* itself. The main queries are: Who wrote the tract? Was it written before the *Chronicon* and inserted into it, or was it extracted from the *Chronicon*? What was its purpose? The modern editor of the *Liber* argues that Gregory of Catino wrote it, and later inserted it into the *Chronicon*. He believes that both the versions of Panvinus and the *Chronicon* were based upon an earlier manuscript that originated at the time of the Investiture Contest.²¹

The queries that arise over the origin of the *Liber* produce contradictions instead of a convincing explanation. If Gregory of Catino wrote it, then why was Berald spelled with an "r"? And if there were a four hundred year old codex describing the deeds of the abbots of Farfa that was not the *Chronicon*, then what was it? Panvinus himself was convinced that the *Liber* was written earlier than the reign of Berald because he described Berard as being an opponent of Gregory VII. He also says that Berard wrote the book before the other book that he—Panvinus—adduces to represent the papal point of view.

That book (*edito libro*) was written by Deusdedit, who, Panvinus states, wrote during the reign of Victor III to defend the cause of Gregory VII.²² Since Victor III died in 1087, any book written before that time would have to have been written during the reign of Berard I. Yet, the tract mentions the dispute between "Berard" and

²¹ Heinzelmann concludes that connecting narrative was inserted into the *Chronicon* from line 13, p. 240 through line 16, p. 242. The section in the *Chronicon* in which the *Liber Beraldi* is included is mainly written by an unknown hand, with a small section written by another unknown hand. The tract and the chronicle frequently differ. *Streitschriften*, pp. 13–15, 35, 106–107.

²² Heinzelmann, *Streitschriften*, n. 1, pp. 8–9: "De hoc longissimo et pernicioso schismate, quod a Gregorio VII inchoatum, a Callisto II finitum est, quum multi horum temporum scriptores tum duo ceteris mentionem fecere singulaque accuratissime persecuti sunt. Horum alter fuit Deusdedit presbyter cardinalis sancti Petri ad vincula qui sub Victore III. causam Gregorii VII. ex instituto tutatus est et edito libro defendit. Alter fuit Berardus quidam monachus et abbas Farfensis, qui eodem tempore pro Heinrico imperatore et Clemente III. contra Gregorium VII. obiter tamen tanquam aliud agens scripsit. Utriusque opuscula, quia lectu mihi digna visa sunt, subiicere placuit, ut rationes, quibus unaquaeque partium se ipsas defendebant, intelligamus. Incipiam autem a Berardi abbatis Farfensis opusculo, quod et paulo ante Deusdedit scripserit et iniquiorem causam tuendam, ut tum existimabatur, suscepit." Possibly the text Panvinus intended to transmit was *Deusdedit presbyteri cardinalis libellus contra invasores et symoniacos et reliquos schismaticos*, MGH LdL 2:292–365.

the Ottaviani that occurred during the reign of Berald. Panvinus chose both books as worthy representatives of their sides. Curiously, although he saved space for Deusdedit's text, which he thought defended the better cause, he copied only the *Liber*. He did, however, include the Concordat of Worms under the title "Privilegium Callisti papae II," which he thought ended the conflict.

Unless the four hundred year old codex from which Panvinus claims that he copied the *Liber* miraculously appears, any hypothesis explaining the *Liber's* origins will be highly speculative. Let me advance my own. Apart from Panvinus' relation of the contents of the *Liber* to Gregory VII and Deusdedit, the description of his source fits the *Chronicon*.²³ Seeking an example of imperial propaganda written on a high level without harsh polemics, he may have found it in the *Chronicon*. Seeing that the arguments engendered during the arbitration hearings between Farfa and the Ottaviani related to the issues concerning *regnum* and *sacerdotium* raised by Gregory VII, and not being unduly fastidious about revealing that the hearings did not take place until the reign of Paschal II, he simply edited the text from the *Chronicon* for his own purposes.

Textual observations support this thesis, but also raise questions. In the midst of Gregory of Catino's account in the *Chronicon* there are sixty eight lines of narrative not included in the *Liber*. The lines preceding this text are identical to those in the *Liber*. They conclude an argument conceding that the pope is the pastor of souls, the doctor of faith, and the head of all churches, but averring that he does not involve himself in the affairs and causes of the world.²⁴ The first line of the text not included in the *Liber* seems to indicate that this argument was part of a digression from the previous narrative ("Sed iam redeamus ad nostri libertatem monasterii perfectam . . .").²⁵ The focus now shifts back to a defense of Farfa's immunities.

²³ Kölzer, *Collectio Canonum*, p. 99.

²⁴ *Chron.* 2, p. 240: "ergo ipse pastor est animarum, ipse doctor fidei electorum, ipse caput omnium ecclesiarum, in his tamen rebus et causis, non quae sunt ad seculum sed quae ad Deum. non enim claves terrae seu regni terrestris sed claves regni coelorum concessit illi omnium Pastor pastorum ut quae solvenda sunt in caelo solvantur et in terra ab eo, et quae sunt in coelo liganda ligentur et ab ipso in terra." Heinzlmann, *Streitschriften*, p. 50.

²⁵ *Ibid.*, line 13; In the edition of the *Chronicon* there is a space above "Sed iam redeamus . . .," and the sentence begins a new paragraph. In the MS. fol. 190r "Sed iam redeamus . . ." is in the middle of a paragraph, and implicitly does not begin a new topic.

The text in the *Chronicon* omitted in the *Liber* concludes with a question asking why, if all of Italy already belonged to the papacy, did ancient and modern popes accept or buy property?²⁶ The first line of the text that again coincides with the *Liber* answers the question. Farfa responds that it will show that from the time of Charlemagne emperors never relinquished their dominium over Italy and Rome, and that popes were always ordained by imperial assent.²⁷

The transition in the tract, omitting the intervening text in the *Chronicon*, and continuing directly from a characterization of the papacy, is abrupt. Rather than the simple "nam" (for) of the *Chronicon* it requires the phrase "Porro autem" (but, on the other hand) to tie the two subjects together. "... ligentur et ab ipso in terra. Porro autem quod a temporibus Caroli magni imperatoris et deinceps numquam de Italia vel Roma cessaverit imperiale vel regale dominium fideliter nunc intimemus;"²⁸ While the text flows harmoniously in the *Chronicon*, the *Liber* seems to contrive to fit two disparate texts together.

This slight awkwardness of the transition in the *Liber* suggests that it was derived from the *Chronicon*, but with some of the text omitted.²⁹ It is hard to imagine a reason for the reverse. Why its creator, especially if it were Panvinus, did not include some of the most trenchant arguments concerning papal and imperial rights, remains a mystery.³⁰ Perhaps his reasons were merely practical rather than theoretical. He had his own agenda, and concluded that he did not need this material to make his point.

²⁶ Ibid., p. 242, lines 11–14: "alioquin si omne Sabinense territorium patrimonii praedicti fore censetur, ubi sunt iura reliquarum ecclesiarum? ubi haereditates comitum et illustrium vivorum? ubi etiam rei publicae vel privatorum?" lines 14–16: "et si sua sunt omnia, quare antiqui pontifices vel moderni aut gratis accipiunt proprietates aut emunt potius res et possessiones terrarum sibi largientium virorum?"

²⁷ Ibid., lines 17–20: "nam quod a temporibus Karoli imperatoris et deinceps numquam de Italia vel Roma cessaverit imperiale vel regale dominium fideliter nunc intimemus, pontifices etiam semper principali assensu ordinatos ostendamus."

²⁸ Heinzelmann, *Streitschriften*, p. 50, lines 13–15; Clm 148, fol. 190r.

²⁹ There are, as Heinzelmann emphasizes, many variants between the *Chronicon* and the *Liber*. E.g., in the *Chronicon* (p. 233) it is the "part" of S. Maria that speaks: "at vero pars Beatae Mariae enucleatius veriusque ipsum perspicuens edictum, asserebat quod non sic . . ." Panvinus (*Streitschriften*) p. 41: "Tum Berardus enucleatius diligentiusque ipsum perspicuens edictum ita locutus est: 'Res sic non se habet, quia Constantinus non iura privatorum nec ex toto terreni imperii dominium beato Silvestro concessit, sed, sicut ibi legitur, ut principatum teneat super omnes in universo terrarum orbe Dei ecclesias, et eius iudicio, quaecumque ad cultum Dei et fidei christianae stabilitatem procuranda fuerint, disponantur.'"

³⁰ I disagree with Heinzelmann's view that the reason for omitting the text was

The Second Tribunal

As we have seen, Gregory dispensed with the proceedings at San Nicola in Carcere with a few sentences. We recall that the counts had originally based their claims on rights they had received from the emperor, but we do not know whether they fashioned their defense around these putative rights in the first tribunal.³¹ If both the Ottaviani and Farfa had adduced imperial privileges as their defense, it might partially explain why the arbitrators found it so difficult to arrive at a judgment.

By contrast with the first tribunal, Gregory recounts the arguments of the second in minute detail. The Ottaviani argued that they held their property by right of concessions from popes, who had received all of Italy as private property from the Donation of Constantine.³² The reform popes and their apologists frequently appealed to this eighth-century forgery to justify their claims to secular rule, but for counts of only local power to invoke such a defense was groundbreaking. Moreover, their interpretation of the Donation was the most extreme ever presented in a public forum.

Farfa also constructed a sophisticated, if more conventional, defense, relying less upon theory, and more upon historical events and immunities guaranteed both by the emperor and by the papacy. The counterposing of imperial to papal ruling authority gave the trial a patina of a contest between *regnum* and *sacerdotium*. The question is whether it was more than just a patina. Did Farfa and the counts function as surrogates for the empire and the papacy, or did the two sides coopt the empire and the papacy for their own objectives? Or, perhaps, was it simply a matter of mutual support, where no party used another, and where there were no orchestrators and no puppets? Whatever the relationships, imperial and papal interests were at stake. For the emperor it was the maintenance of his foothold in the Sabina, and for the pope it was the weakening of this imperial

that it returned to a report of the trial. The arguments presented in this text are as basic as any of the others that Panvinus included.

³¹ Heinzelmann (*Streitschriften*, p. 93) believes that Oddo used the same arguments in the first trial as in the second. If that were the case, I think that Gregory would have described them, since it was a unique defense.

³² Carl Mirbt, *Quellen zur Geschichte des Papsttums und des römischen Katholizismus*, 6th ed. Kurt Aland, 5 vols., 1 (Tübingen, 1967), pp. 251–256 for the Donation of Constantine; for secondary sources see Stroll, *Symbols as Power*, n. 61, p. 32.

presence so close to Rome, and the opportunity of filling the void.³³

The thrust of the counts' argument ran as follows. They had received their property rights from the papacy. The papacy had the authority to grant these rights because Constantine had donated all of the West to the bishops of Rome as private property. Accordingly, Farfa's imperial privileges of immunity had no validity.³⁴

The spokesman for Santa Maria responded that Constantine had only granted Silvester a principate over the church, not over private property.³⁵ He argued that if the papacy held all of Italy as private property, then why did Silvester's successor request that Constantine donate property to some of the basilicas of Rome?³⁶ Rather than the pope, Farfa's spokesman continues, the emperor possessed *dominium* over the lands of Italy, and for this reason he had the right to confirm popes and to correct them when they went astray.³⁷ The spokesman then presents examples from the time of Constantine to the reign of Pipin demonstrating that all popes were confirmed by the emperor, and that all of Italy was governed by imperial officials.³⁸

³³ Already in 1087 in his collection of canons Deusdedit had asserted that Farfa was part of the Patrimonium. von Glanvell, *Die Kanonensammlung*, ch. 190, pp. 352–353: "Item monasterium eiusdem Sublacense et saluatoris apud Reatae et Farfense iuris beati P[etri] sunt, quoniam in eius patrimonio et territorio, ut in sequentibus legitur, sita sunt."

³⁴ *Chron.* 2, p. 233: "... pars Oddonis agere coepit contra partem domni abbatis, dicens se causam ipsam inquirere ac defendere per sancti Petri eiusque successorum pontificum possessionem. ibique relegerunt privilegium Constantini imperatoris beato Silvestro concessum, per quod censebant omnem Italiam cunctaque occidentalia loca beati Petri et pontificum eius iuri per omnia subicienda, ita ut nemo privatorum nec alicuius persona dignitatis in praefatis locis sibi aliquid vindicare valeat proprietatis."

³⁵ *Ibid.*: "asserebat quod non sic haberetur, quia Constantinus non iura privatorum nec ex toto terreni imperii dominium beato Silvestro concessit, sed, sicut ibi legitur, ut principatum teneat super omnes in universo orbe terrarum Dei ecclesias, et eius iudicio quaeque ad cultum Dei vel fidem Christianorum stabilitate procuranda fuerint, disponantur." Instead of the *pars sanctae MARIAE*, the *Liber* says that Berardus himself made the case. *Streitschriften*, p. 41: "Berardus . . . locutus est: 'Res sic non se habet, quia Constantinus non iura privatorum nec ex toto terreni imperii dominium beato Silvestro concessit, sed, sicut ibi legitur . . .'"

³⁶ *Ibid.*, 234: "Hic animadvertat prudentissimus censor, si prius Constantinus omnem Italiam beato Silvestro concessit, quid hoc extitit quod, illius successore Marco suggerente, praefatos fundos in supradictis ecclesiis contulit?" Heinzelmann, *Streitschriften*, p. 41.

³⁷ *Ibid.*: "sed et dominium sibi terreni imperii in Italia omnes imperatores ex tunc ita reservarunt, ut illorum semper pontifices confirmarentur, sibi in aliquo offensi corrigerentur." Heinzelmann, *Streitschriften*, p. 41; n.b. major variant. "Sed et dominium sibi terreni imperii in Italia omnes imperatores ex tunc ita reservarunt, ut illorum semper pontifices confirmarentur et, si in aliquo offensus, corrigerentur."

³⁸ *Ibid.*, 234–238; p. 238: "... ex sanctorum scriptis autenticorum auctoritatibus

Extending his survey through the pontificate of Gregory VII, he documents that with the exception of Pelagius (555–561), no pope had been ordained without the order of the emperor.³⁹

Addressing himself more pointedly to the property dispute between Farfa and the counts, Farfa's spokesman emphasizes that many men in Italy own private property by hereditary right, and that frequently they concede their property to sacred institutions for the redemption of their souls.⁴⁰ Then, summing up his argument, he repeats that the Patrimonium of St. Peter does not comprise all of Italy, and that popes have dominium only over those things which pertain to the cult of God and that are related to the true faith.⁴¹ He concludes that the Pastor of all pastors did not concede the keys of the land nor of earthly kingdoms to the pope, but granted him only the keys of the kingdom of the heavens.⁴²

Turning to a defense of Farfa's own rights, its spokesman argues that its liberties did not cease with the death of its patron. He points out that as the successor to the Lombard kings, Charlemagne assumed the protection of Farfa. In that capacity Charlemagne decreed that all of its property already acquired, or which would be acquired, should perpetually be free.⁴³ He adds that popes from John VI to Nicholas II recognized and confirmed those liberties. From

decerpere studuimus, ut veridica relatione ostenderemus omnes pontifices Romanae Sedis imperiali edicto post electionem semper confirmatos, et Italiam totam semper habuisse imperatorios procuratores, rectores, patricos, exarchos et duces qui imperatoria iura et rempublicam potentissime possidentes defenderent, dominiumque Italicum optinerent in omnibus constantissime usque ad tempus Pipini regis Francorum . . ." Heinzelmann, *Streitschriften*, p. 47.

³⁹ Ibid., 238–239: "in quibus omnibus temporibus nemo, ni fallor, pontificum legitur absque principis iussione ordinatus fuisse, praeter Pelagium papam." Heinzelmann, *Streitschriften*, p. 48.

⁴⁰ Ibid., 239: "fuerunt praeterea et multi in Italia viri qui per diversa loca ius proprium et privatum iure haereditario possederunt, et locis sacris Deoque dictatis ob animarum suarum mercedem de suis substantiis plurima concesserunt." Heinzelmann, *Streitschriften*, p. 49.

⁴¹ Ibid.: "non ergo omnis Italia in terrenis facultatibus patrimonium beati Petri apostoli Ecclesiae extitit, nec umquam pontificum Romanorum ex toto dominium fuit, nisi in his quae ad cultus Dei pertinent dispositionem, vel ad verae fidei conveniunt ostensionem." Heinzelmann, *Streitschriften*, p. 49.

⁴² Ibid., 240: "non enim claves terrae seu regni terrestris sed claves regni coelorum concessit illi omnium Pastor pastorum, ut quae solvenda sunt in coelo solvantur et in terra ab eo, et quae sunt in caelo liganda ligentur et ab ipso in terra." Heinzelmann, *Streitschriften*, p. 50; This is the point at which there is a lacuna in the *Liber*.

⁴³ Ibid.: "eumque quietum et liberrimum ab omnis occasionis condicione per suorum paginas praeceptorum in omnibus acquisitis rebus et acquirendis perenniter fore sancivit."

their own property rights kings, dukes, margraves, counts, and other worthy persons conceded property to Farfa in perpetuity.⁴⁴ In response to this argument Oddo asserted that the concessions were valid only for the lifetime of the donor. By using the verb, "fingebat," Gregory of Catino at least suggested that Oddo feigned or fabricated his rejoinder. Farfa then went on to cite diplomas of Gregory I and Otto [III] contravening Oddo's contention.⁴⁵

After this exchange, Farfa's spokesman argues that only certain parts of Italy belonged to the Patrimonium. Oddo's advocate countered with an appeal to Gregory I, who previously had been cited by Farfa in defense of monastic privileges. In this context, Gregory I seemed to be implying that all of Italy belonged to the Patrimonium.⁴⁶ Farfa's spokesman replied that if this were so, how could one explain that between the reigns of Constantine and Charlemagne imperial rights were defended by exarchs and patricii? And further, how could one explain that from the time of Charlemagne until the present dukes, margraves, counts and castelains *reipublicae imperialis* continued to administer these rights?⁴⁷

Farfa even invoked a pope—Boniface V (619–625)—to substantiate that not all of Italy, but only certain parts belonged to the papacy.⁴⁸ Its spokesman insinuated that the Ottaviani were hoisting themselves on their own petard, for according to their reasoning, they too would lose their rights. If all of Italy and not just certain parts belonged to the patrimony of St. Peter, he asks, where were the rights of the

⁴⁴ Ibid., 240–241: "... eidem monasterio concesserunt plurima et firmaverunt perpetuo inibi permanenda."

⁴⁵ Ibid., 241: "... pars Oddonis e contra fingebat, dicens non posse praelati cuiusquam ecclesiae scriptum vel concessio aut constitutio valere nisi tantum concessore vivente. quod pars Sanctae Mariae optime defendit cum beati Gregorii doctoris summique pontificis super hoc auctoritatem ostendit dicentis, ut 'privilegia monasteriis indulta nulla ratione infringi posse, quia qui praedecessoris institutionem molitur dissolvere, suam quandoque ostendit in hoc non posse statuere.'"

⁴⁶ *Chron.* 2, p. 241.

⁴⁷ Ibid., 241–242: "Si unius tantum pontificis temporis dispositione patrimonii per aliqua Italiae loca functa, omnem Italiam ad ius patrimonii Romanae Ecclesiae vos vindicare censetis, quomodo non magis per quatuorcentorum triginta annorum curricula a Constantino Augusto usque ad Carolum imperatorem expleta, in quibus iura imperii per exarchos ac patricos defensa, nobis ostendentibus, fuerunt, credere debetis? et a Carolo imperatore usque nunc similiter..." Heinzelmann, *Streitschriften*, pp. 94–95.

⁴⁸ Ibid., 242: "constat [Bonifatius papa quintus] ergo sane quia, ut supra retulimus, non omnis Italia sed quaedam in ea loca sive vocabula partim beati Petri Ecclesie patrimonio fuerunt largita."

other churches in the Sabina? Of the heirs of counts? Of illustrious men? Of the republic and of private people? And why did ancient and modern popes continue to accept property or to purchase goods and possessions of lands if they owned them already?⁴⁹

At this point the *Chronicon* and the *Liber Beraldi* again coincide.⁵⁰ Having dispensed with Oddo's arguments, Farfa's spokesman asserts that from the time of Charlemagne imperial authority over Italy and Rome had never ceased. Further, he claims that he will show that popes had always been ordained by imperial assent.⁵¹ Beginning with Charlemagne, he continues, popes were constrained to appeal to emperors for help. He describes how Charlemagne rescued the wounded pope, Leo III, and how after Leo had been restored to his see, he crowned Charlemagne as emperor. The spokesman supported this paradigm with other examples from the *Liber Pontificalis*.

After Leo III the spokesman cites Sergius II (844–847), who, he asserts, crowned Lothar (840–855) when he came to Rome.⁵² Here, facts give way to fiction, for it was not Lothar, but Louis II (855–875), whom Sergius II crowned in 844. The mistake may have been innocent, for Lothar was still emperor in 844, and would continue to rule until 855. But by 844 Lothar had divided the empire among his sons, and had granted Louis II the Middle Kingdom and the title of emperor, even though effectively Louis II governed only Italy.

There are also reasons for suspecting that the mistake might not have been innocent. First of all, there would have been a motive, for Lothar, rather than his weaker son, would lend support to Farfa's argument. In 824 Lothar issued a decree establishing imperial suzerainty over Rome and the papacy.⁵³ The decree stipulated that papal elections would become valid only after imperial confirmation,

⁴⁹ Ibid.: "alioquin si omne Sabinense territorium patrimonii praedicti fore censetur, ubi sunt iura reliquarum ecclesiarum? ubi haereditates comitum et illustrium virorum? ubi etiam reipublicae vel privatorum? et si sua sunt omnia, quare antiqui pontifices vel moderni aut gratis accipiunt proprietates aut emunt potius res et possessiones terrarum sibi largientium virorum?"

⁵⁰ Ibid., line 16; Heinzelmann, *Streitschriften*, p. 50, for the text, and n. 4, p. 95 for Heinzelmann's comments. The text begins a new paragraph: "Porro autem quod . . ."

⁵¹ Ibid., 242: "nam quod a temporibus Karoli imperatoris et deinceps numquam de Italia vel Roma cessaverit imperiale vel regale dominium fideliter nunc intinemus, pontifices etiam semper principali assensu ordinatos ostendamus."

⁵² Ibid. & n. 2; p. 242: "temporibus autem Sergii papae II Hlotharius rex Romam venit, et ab eo coronatus aliquandiu ibidem deguit, deinde Papiam reversus est, ubi ab exordio principatus sui culmen regebat." *Lib. Pont.* 2, p. 89.

⁵³ Richard Krauthheimer, *Rome: Profile of a City, 312–1308* (Princeton, 1980), p. 117.

and that the emperor would protect the nobility from arbitrary papal action. An imperial *missus* would supervise Rome jointly with a representative of the papacy. A separate agreement required that the pope, the clergy, and the leading citizens swear an oath of allegiance to the emperor.

Reacting to the imposition of outside power, the Romans began to elect popes from powerful families in order to maintain local control. The competition between the empire and the Romans reached its zenith a year before Louis II came to Rome. When Sergius II, a powerful noble, resisted Lothar's decree, Louis II was sent to Rome in 844 to quell the rebellion. As we have seen, Sergius crowned Louis II and acceded to the imperial demands. The Romans resented the heavy hand of the "northern barbarians" all the more when Louis II proved to be unable to protect them against the Saracens. Upon Louis II's death in 875 the pope looked outside for an imperial candidate who would be a better protector.⁵⁴

Clearly, in the context of the challenging arguments exchanged with the Ottaviani, Louis II was not a good example for Farfa's cause. Another instance of mistaken identity fuels the suspicion that the first mistake was not fortuitous. Toward the end of the tribunal the conflation of Louis II with his grandfather, Louis the Pious, saves Farfa from losing a critical argument.⁵⁵ In the latter case it would be charitable, indeed, to attribute the mistake to careless research or disorganized archives.

Farfa was again on firmer ground when its spokesman noted that Lothar had helped Leo IV (847–855) to construct the Leonine City.⁵⁶ He had to admit, however, that the Romans had hurriedly consecrated Leo without imperial consent because of the fear of the Saracens. He points out that Benedict III (855–858) was consecrated in the presence of imperial *missi*, and he produces records showing that many other popes were elected and consecrated in the presence of the emperor.⁵⁷ A number of these popes were found to be unworthy of their office, he emphasizes, and accordingly were ejected, frequently after being tortured. Sometimes they even died violent deaths, he elaborates, dwelling on the case of a certain Boniface, who suddenly

⁵⁴ Geoffrey Barraclough, *The Crucible of Europe: The ninth and tenth centuries in European History* (Berkeley, Los Angeles, 1976), pp. 70–72.

⁵⁵ *Chron.* 2, p. 256.

⁵⁶ *Ibid.*, 242–243.

⁵⁷ *Ibid.*, 242–245.

died after only eleven months in office. After his death Boniface was cursed, and his body was maimed and tossed in front of the statue of Constantine.⁵⁸

At length Farfa's spokesman comes to Nicholas II, whom he styles "venerabilis," an epithet befitting the pope whom Farfa saw as the protector of its liberties.⁵⁹ He asserts that Nicholas knew of this sordid history, where popes seized their offices, or even worse, bought them. To deal with these abuses, and to return peace, concord, and the unity of the priestly and imperial dignities, the spokesman continues, Nicholas called a general council.⁶⁰ Convened in April 1059, this council issued a decree on papal elections that no longer exists, but which the *Chronicon* and the *Liber Beraldi* purport to transmit.⁶¹

This decree was the first attempt to regulate papal elections since the eighth century. It was soon lost, or destroyed, eliciting controversy that still persists over every word and signature of the versions that profess to be the original. Because of its great importance to Farfa, the reform papacy, and the empire, I shall analyze it separately after describing the completion of the tribunal. Let us now see how this legal chess match concludes.

⁵⁸ Ibid., 244: "ipse etiam Bonifatius post menses. XI. repente interiit, quem sui execratum post mortem ceciderunt et lanceis vulnerarunt, et ante caballum Constantini per pedes trahentes dimiserunt; mane vero clerici colligentes sepelierunt." The "caballum Constantini" was in fact the statue of Marcus Aurelius, identified at that time with Constantine. It stood in the campus before the Lateran.

⁵⁹ Ibid., 245: "... et Nicolaus Allobros qui Burgundio dicitur papa eligitur. hic quippe venerabilis pontifex cum omnia superius denotata optime didicisset et cognovisset multotiens sub maxima intentione et cleri populique dissensione plurimos pontificum sedem apostolicam olim subripuisse, et, quod deterius est, pecuniis eam optinuisse, vel in seculari invasisse, ..." ibid. 1, p. 307: "... sed et Nicolaus papa II apostolica auctoritate sub anathematis pavendi interdictione decrevit, ut nemo hanc ecclesiam suaeque bona omnia curiae Romanae vel papati subiugare audeat;"

⁶⁰ Ibid., 245: "... propter pacem et concordiam unitatemque sacerdotalis dignitatis et fastigii imperialis generale congregavit concilium, in quo ut cuncta supra commemorata et inique exhibita destruerentur et ne quicquam eorum a quovis in posterum fieret, hoc sanctum studuit decretum firmissime statuere:"

⁶¹ Ibid., 245–248. Heinzelmann omits the decree from his edition. It is found in Clm 148, fols. 186r–195v. For the council of April, 1059, Charles-Joseph Hefele, *Histoire des Conciles d'après les documents originaux*, new trans. & notes by H. Leclercq 4, pt. 2 (Paris, 1912), pp. 1139–1179.

CHAPTER EIGHT

COMPLETION OF THE TRIAL

After transmitting the papal electoral decree of 1059, and before continuing with the proceedings, Gregory of Catino returned to an old theme—the perpetual validity of ecclesiastical privileges and sacred constitutions. Since this was the bedrock on which its case depended, Farfa had to meet the Ottaviani's argument that privileges were valid only for the lifetime of the pope who promulgated them.¹ Carefully crafting his argument, Gregory first defined a privilege as private law, the highest and most excellent of all laws. He asserted that no one in sound faith may *ever* (my emphasis) violate, corrupt or infringe this law.² He asked that if even the laws of Diocletian or any other emperor were valid for *innumera annorum curricula*, that is, beyond the death of those who instituted them, how much more valid and perpetual ought the constitutions of the vicar of St. Peter to be.³

Before pointing out the implications of that logic, he drew an analogy between the properties of lead and the characteristics of the pope. He noted that it was not by chance that bulls and privileges were sealed with lead, even though it is a base metal that is soft and supple (*mitius*).⁴ Playing upon the nuances of “mitis,” he said that the

¹ *Chron.* 2, p. 249: “De privilegiis aecclesiasticis et constitutionibus sacris numquam corrupendis neque violandis sanctorum auctoritates patrum quas autenticas reperimus, omnipotente Domino adiuvante huic inserere opusculo et annotare curavimus, propter eorum videlicet ignaviam qui fatentur privilegium sive constitutio alicuius non valere pontificis nisi tantum temporibus illius qui aedidit.”

² *Ibid.*: “primo itaque videndum est clarius quid sit privilegium. privilegium quippe privata lex est, idest praecipua atque summa et excellentior omnium legum, quam nemo unquam violare aut corrumpere vel infringere poterit sana fide.”

³ *Ibid.*: “quapropter si Decinae leges sive Diocletianae aut cuiuslibet imperatoris ethnici promulgatae habentur et custodiuntur per innumera annorum curricula, idest post eorum interitum qui eas statuerunt, multo magis beati Petri apostoli vicariorum, qui vice illius aeterno dono potestatem a Christo ligandi et solvendi acceperunt et perpetuo cum eo regnare creduntur, constitutiones in omnibus firmissimae et omnimodis valere debent, et qui eas praevaricari praesumpserint, perpetui puniendi sunt vinculo anathematis.”

⁴ *Ibid.*, 249–250: “notandum quoque, quod bulla vel formata privilegiorum non auri vel praetiosioris metalli insignita habetur, sed tantummodo plumbi, et hoc non

mind and doctrine of the pope ought to be humble and gentle (*mitis*) in all things, and that he should always have a kind (*mitia*) heart, and be prone to mercy and good works. And just as lead is of great weight, so also apostolic authority in cases of provisions and settlements ought to be held as heavy, fixed, stable, and always constant, and to be esteemed as irreprehensible sound judgment.⁵ In short, the rights of all churches in those things that pertain to God are governed under papal direction. Therefore, if the buildings of the churches endure under apostolic authority, how much more so ought the *temporalia*.⁶

Deftly parrying the Ottaviani's argument that when circumstances change, popes can modify the decrees of their predecessors, Gregory challenged the counts on their own ground. He asserted that if it were accepted that the Donation of Constantine had perpetual validity, even though Constantine was an earthly lord, then the grants made by popes to individual churches must have at least as much weight, since popes have an even higher station than earthly rulers.⁷ Just as a potter begins with soft clay and fires the vase into hardness, so also it is with the gifts granted by popes.⁸ The Holy Spirit gives them firmness, and they are to be held as eternal and inexpugnable as the irrevocable gifts of God.⁹

incongrue. plumbum enim non praetiosius, non durius, non fortius est metallum, sed vilius et mollius mitiusque fore dinoscitur."

⁵ Ibid., 250: "et revera mens et doctrina summi pontificis et viri apostolici humilis et mitis in omnibus esse debet, semper habens viscera mitia pronaque ad misericordiam et ad omne opus bonum. et sicut plumbum magni ponderis est, ita apostolica auctoritas in causis providendis sive constituendis gravis et fixa stabilisque et constans semper est habenda, semperque irreprehensibili debet vigere prudentia."

⁶ Ibid.: "denique omnium iura ecclesiarum in his quae sunt ad Deum ipsius dispositione moderantur, et aeterna sive spiritualia misteria eiusdem magisterio informantur. ergo si permansura apostolica auctoritate constituta immobilia permanent, quanto magis temporalia eius dispositione largita firmissima perdurare debent."

⁷ Ibid.: "nam post aeternam potestatem per beatum Petrum apostolum Romana Sedes adeptam a Christo, temporale etiam suscepit privilegium ab imperatore Constantino quod iure possidere creditur aeterno. nec ei quicquam impossibile est ex acceptis ab eo quae largienda sunt prout cuique opus fuerit alicui ecclesiae largire, quia omnium pastor est ovium et cuncta providere cura pastoralis debet. et sicut privilegium sibi collatum defendit Constantinianum, licet ipse fuerit terrenus dominus ita convenit defendere singulis ecclesiis, idest suis membris, aliquod a se privilegium indultum." Schuster, *Abbazia di Farfa*, p. 249.

⁸ Ibid.: "quoniam summus sive caelestis pastor aeterni dono pastoris stabile et velut aeternum esse debet quod suo dono concedit, exemplum veri figuli gerens qui vasa terrea ex molli luto conficiens, postquam ea coxerit igne firmissima permanent, sic credendum est de concessis donis summi pontificis."

⁹ Ibid.: "postquam enim Spiritus Sancti virtute concessa perpetuo stabilienda

Boldly confronting the contentious issue of whether a pope is bound by the decisions of his predecessors, Gregory asserted that they were.¹⁰ He supported his claim with a dazzling array of authorities, concluding with a number of pronouncements of Gregory the Great.¹¹ Having meticulously prepared the ground, he then turned to the point at issue—the privilege of Nicholas II for Farfa. He emphasized that one should not be misled nor foolishly underestimate the constitution, which contained nothing new, but was based on the most ancient and authentic types of papal protocols (*moderamina*). The holy church has used them from time immemorial, and no pope has ever found them to be confusing.¹² Like all other papal decrees, he affirmed, the decree of Nicholas II is valid in perpetuity, and must be observed so that peace and concord may endure in the church.¹³

He argued that just as we believe that Christ built the church upon a firm rock, so also we acknowledge that the statutes of the vicar of Peter ought to be unshakably durable (*firmissima*).¹⁴ Pressing the metaphor, he asserted that just as the Church of Christ cannot be shaken by storms, so also the institutes of popes must not be transgressed or set aside by their successors.¹⁵

iudicaverit, sicut Dei dona omnipotentis irrevocabilia sunt, ita et ipsa inconvulsa aeternaque sunt habenda."

¹⁰ Ibid., 250–251: "ergo privilegia ecclesiastica apostolica auctoritate ecclesiis concessa et sacrae constitutiones a summo pontifice roboratae, et eo qui statuit vivente et quocumque pontifice succedente, firmissimae et inconvulsae atque in corruptae perpetuo sunt habendae."

¹¹ Ibid., 251–253.

¹² Ibid., 253: "De suprascripto autem privilegio domni Nicolai papae notandum, ne quis insipiens parvipendat in illo catholicam constitutionem et ne alieno spiritu seductus contemnat huius institutionis veraeque fidei unitatem, ne ibi prolata multetur aeterna damnatione, quoniam non nova in eo instituit nec aliqua recentia ordinavit. antiquissima enim sunt et autentica istius decreti moderamina in sancta semper usitata Ecclesia et a nullo unquam apostolicorum confusa."

¹³ Ibid., 253–254: "non vero terminos a patribus constitutos transgressus est, sed sicut omnes eius [Nicholas II] predecessores eos constituerunt vel ipsi gesserunt, sic etiam et ipse stabilivit et ut pax et concordia semper in sancta permaneat Ecclesia illud commendavit."

¹⁴ Ibid., p. 254: "et sicut credimus sanctam Ecclesiam a domino Christo supra firmam petram aedificatam, sic confitemur beati Petri vicariorum firmissima per omnia esse debere statuta."

¹⁵ Ibid.: "ergo sicut Ecclesia Christi non potest a procellis subverti, ita nullo modo debent transgredi discrete instituta viri apostolici. nam quicumque ea quae propter unitatem fidei et concordiam pacis sanctaeque stabilitatem Ecclesiae pontifex apostolicus instituerit contemnere satagit, firmissimam petram Ecclesiae conatur subvertere, ideo iudicium Dei non effugiet. nec aliquis etiam pontificum successorum quaecumque eius anterior disposuerit ob sanctae Ecclesiae quamcumque utilitatem debet evellere . . ."

Waxing indignant, he condemned as blasphemy the doctrine that newer statutes may supersede the more ancient.¹⁶ “What a detestable presumption! What an abhorrent declaration! What cursed blasphemy!” If the statutes of the fathers were subverted, he thundered, the doctrines of Peter and Paul would be as nothing, and could be destroyed by any heretic. Following the Lord who declared to Peter that he would build his church upon a rock and that the gates of hell would not prevail against it, he asserted that the institutions of the vicar of St. Peter must remain perpetually intact. In this way the faith of St. Peter remains in the holy Church.¹⁷ Whoever destroys what has been orderly confirmed by the holy fathers, and especially by the apostolic fathers, shall be cut off by their authority, and his opinions must not be heard.¹⁸ Invoking Gregory the Great, he declared that what has been defined ought not to be violated.

Satisfied that he had demonstrated that the privilege of Nicholas II guaranteeing Farfa’s rights remained valid, Gregory returned to the trial. In an abrupt switch from arguments evolving from the Donation of Constantine, he reports that Oddo’s spokesman read a privilege granted by the emperor, Louis, to Stephen IV conceding certain lands.¹⁹ What Gregory of Catino does not reveal in his account is that the Sabina was among them. If this evidence were to go unchallenged, Farfa’s case might have collapsed.

Rising to the occasion, Farfa’s spokesman countered by appealing

¹⁶ Ibid.: “hinc vero referendum est quod plurimi insipientium dicentes fatentur: antiquorum statuta moderni destruere possunt, quoniam uti nos et illi homines fuerunt. o quam detestanda praesumptio, quam abhominanda dictio, quam execranda blasphemia! blasphemant hic in Sanctos, immo contra Spiritum Sanctum, quorum munere coelestia docuerunt, iccirco lapidibus vivis, idest sanctorum sententiis patrum est puniendus sive obruendus.”

¹⁷ Ibid., 254–255: “si enim autenticorum patrum statuta subverti vel destrui possunt, doctrina Petri ac Pauli ceterorumque Sanctorum pro nichilo duceretur, et a quocumque haereticorum penitus destrueretur. quod si illa perpetuo firmitatem accipit, dicente enim Domino: ‘Tu es Petrus et super hanc petram aedificabo Ecclesiam meam, et portae inferi non praevallebunt adversus eam.’ credimus et omnimodis asserimus, quoniam etiam vicariorum beati Petri apostoli institutiones perpetuo inconulsae debent esse et permanere, quemadmodum beati Petri in sancta permanet Ecclesia fides.”

¹⁸ Ibid., 255: “qui enim patrum autenticorum et maxime apostolicorum bene ordinata et pro quiete concessa destruit, a patrum dignitate excidit et non est eius audienda sententia, quia extra Christi fundamentum et contra eius Ecclesiam iacere illum patrum priscorum demonstrat doctrina autentica.”

¹⁹ Ibid.: “Interea pars Oddonis legit quoddam praeceptum domni Hludovici imperatoris Stephano papae IIII concessum de quibusdam plurimis locis per Italiam diverse situs Beati Petri apostoli ecclesiae donatis.”

to an allegedly older privilege issued by the same Louis.²⁰ This document purportedly confirmed the decrees of Louis' father, Lothar, and his grandfather, Louis, that recognized the liberties of Farfa, and confirmed the property under dispute—Furanum, the fundum Paccianum, also known as Collis de Nera, and Marcilianum.

The submission of the alleged older diploma was critical because Farfa was not alone in upholding the traditional position of canon and Germanic law that old law was of greater weight than new—*antiqua novis praeiudicant*. But Farfa was on thin ice in emphasizing this point, for we have already seen that attitudes were changing. By the mid-twelfth century Rufinus, bishop of Assisi, and a decretist from the school of Bologna, was to distinguish between human and divine law.²¹ He conceded that new human law could supersede the old, but he maintained that the opposite was true for divine law. The basic reason for this difference was that the closer in time that canon law approached divine law as revealed in the *Bible*, the greater authority it had.

Later in the same century Huguccio, the great decretist, was to argue that in some cases the pope could legislate against the will of his cardinals, and the emperor against the will of his barons. However, he maintained that the laws they promulgated must not run contrary to *ratio*—in Huguccio's sense, morality, the public good, custom, and divine law—and the Old and New Testament.²² While

²⁰ Ibid., 255–256: “pars quoque Beatae Mariae e contra eiusdem Hludovici imperatoris huic monasterio praeceptum emissum antiquius ostendit, per quod confirmavit omnem libertatem ab aliis imperatoribus antea concessam, idest a Hlothario patre, et avo Hludovico imperatoribus, ubi loca ipsa nominatim designabantur unde intentio et causa agebatur, videlicet Furanum, fundum Paccianum qui Collis de Nera cognominatur, et fundum Marcilianum.”

²¹ *Die Summa decretorum des Magister Rufinus*, ed. Heinrich Singer (Paderborn, 1902), p. 236. Commenting on C. I, q. 7 of Gratian, Rufinus states: “Cetera vero antiquorum patrum statuta, que pro omnium ecclesiarum statu conservando plena auctoritate sunt promulgata et totius pene mundi reverentia consecrata, ut Niceni canones et similes: . . . Non enim ad canones illa regula trahitur, que in humanis legibus habetur, scil. ut semper nova statuta prescribant antiquis; sed frequentius antiqua novis preiudicant, ut supra dist. L. cap. Domino sancto (28). Nec mirum, quia alia ratio est secularium causarum, alia divinarum.” Krause, “Das Papstwahldekret von 1059,” p. 36.

²² *Summa*, Dist. 4, d.p.c. 3 v. *abrogate*: “Item posset papa, preter uel contra uoluntatem suorum cardinalium aliquid statuere, uel imperator preter uel contra uoluntatem suorum baronum? Respon. non deberet si eorum consensum posset habere. Alias posset, dummodo non sit contrarium rationi uel ueteri uel nouo testamento.” Kenneth Pennington, “Innocent III and the Divine Authority of the Pope,” *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries, The Middle Ages* (Philadelphia,

arguing for compliance with these ancient standards and Biblical authority, Huguccio nevertheless insisted that popes could not bind their successors.²³ Apart from subtle distinctions and nuances, the implication of his position was that new law could supersede the old.

But this new conception of law was still germinating, and Farfa's shaky legal position never became an issue. *Deusdedit* had just articulated the principle that papal constitutions could not be altered, and must be honored.²⁴ None of the counts' advisors appears to have distinguished between imperial and papal constitutions, and they did not raise it as an issue when Farfa appealed to an older diploma of the emperor, Louis. They should nevertheless have questioned the validity of the diploma, for as has since been discovered, Farfa's spokesman inaccurately referred to the "Louis" who made the concession to Farfa as the same Louis who made the concession to Stephen IV.

The Louis, who was the contemporary of Stephen IV (816–817) was Louis the Pious (814–840). The document adduced by Farfa names Lothar as his father, and Louis as his grandfather, but as we know, the father of Louis the Pious was not Lothar, but Charlemagne. The Louis in the document to which Farfa referred was not the same Louis as the one in the privilege to Stephen IV, but Louis II, the son of Lothar, and the grandson of Louis the Pious. In fact, Louis II had issued such a document for Farfa that names the properties of Marcilianum and Paccianum, but not Furanum, as Farfa contended.²⁵

1984), pp. 13–42; repr. *Popes, Canonists and Texts, 1150–1550* (Variorum, 1993) III, pp. 1–32, p. 10 & n. 21.

²³ Walter Ullmann, *Medieval Papalism: The Political Theories of the Medieval Canonists* (London, 1949), pp. 154–155; Ullmann (n. 4, p. 155) cites Huguccio, *Summa*, Dist. I, c. 6, s.v. "vapulaturus" fol. 147, verso of P 72: "Sed dico, quod ibi papa non imponit legem papae, sed aliis, par enim parem ligare non potest." Krause, "Dauer und Vergänglichkeit," p. 237.

²⁴ *Deusdedit Kanonessammlung*, ed. Wolf von Glanvell "Quod necessitate cogente novas instituat leges; quod causa exigente sanctorum patrum temperat instituta." Lib. I, CV, p. 81. Innocentius Decentio episcopo Eugubino. "Si instituta ecclesiastica, ut sunt a beatis apostolis tradita, integra uellent seruire domini sacerdotes, nulla diversitas, nulla uarietas in ipsis ordinibus et consecrationibus haberetur. . . . Quis enim nesciat, aut quis non aduertat, id quod a principe apostolorum P[etro] R[omane] ecclesiae traditum est ac nunc usque custoditur, ab omnibus debere seruire, nec superinduci aut introduci aliquid, quod aut auctoritatem non habeat aut aliunde uideatur accipere exemplum? . . . Si quis a R[omane] ecclesiae institutionibus errat, aut commoneas aut indicare non differas, ut scire ualeamus, qui sint, qui aut nouitates inducunt aut alterius quam R[omanae] ecclesiae existimant consuetudinem esse seruandam." Krause, "Das Papstwahldekret von 1059," p. 40.

²⁵ *Regesto* 3, #300, an. 857?, 859? pp. 1–6; pp. 1–2: "quaedam praecepta praede-

In all probability it was Gregory of Catino who was producing the charters from Farfa's archives for the hearings, and he himself had copied Louis II's diploma into the *Regestum*.²⁶ He had also copied Louis the Pious' diplomas of 815.²⁷ Gregory should have known that the charter invoked in the tribunal was issued by Louis II because Louis' ancestors are listed as Charles and Louis, and his father as Lothar. Accordingly, he almost surely knew that the "Louis" Farfa claimed to have confirmed the property under dispute was not Louis the Pious, the contemporary of Stephen IV, but Louis II.

The fact that Farfa's spokesman correctly named the father and the grandfather of the "Louis" to whom he referred may exonerate Farfa from the suspicion of willfully adducing false evidence. Anyone could determine that the "Louis" had to be Louis II even though he was described as "the same Louis" who granted the privilege to Stephen IV. The inclusion of Louis' antecedents suggests that his misrepresentation was unintentional, but before accepting that conclusion, one must bear in mind that this was not the first time in the hearings that Farfa had misidentified Louis II.²⁸ Moreover, the incorrect reference was compounded when Farfa's spokesman reread

cessorum nostrorum Karoli et Hludovici gloriosissimorum imperatorum in quibus continebatur semper idem monasterium sub plenissimae emunitatis tuitione habuisse. Sed permaxime pia recordationis genitoris nostri Hlotharii praestantissimi imperatoris . . ." p. 2: "... ut nullus pontifex, dux, princeps, aut quislibet superioris vel inferioris ordinis reipublicae procurator, idem monasterium sub tributo aut censu constitueret. Sed omni quietudine sua defensione atque imperiali tuitione fultum consisteret. . . (p. 6) Et quando quidem diuina uocatione praedictus abbas uel successores eius de hac luce migrauerint, quandiu ipsi monachi inter se tales inuenire potuerint, qui eos secundum regulam sancti benedicti regere ualeant, licentiam habeant eligendi abbatem qualem meliorem et digniorem inter se inuenerint." On p. 2 the charter lists the fundum marcilianum and the fundum paccianum, but not the furanum. On p. 3 he lists a "Fundum furianum in quo est aecclesia sancti tholomei . . ." in spite of the similarity of its name it seems not to have been the fundum furanum.

Gregory also records the long charter in *Chron.* 1, pp. 212–219. Gregory refers to the diploma again in the context of a visit of Nicholas II to Farfa in 1060 in which he confirmed Farfa's privileges. Among the documents that Berard I showed the pope was the one from Louis, described as the son of Lothar. *Regesto* 5, doc. "r," an, 1060, p. 293: "Item ostendit confirmationem hludouici imperatoris, filii eiusdem hlotarii . . ."

²⁶ Gregory seems to have been wrong again in reporting in the *Annali Farfensi* (*Regesto* 2, p. 14) that Louis visited Farfa in 867. The date seems to have been 872. *Ibid.*, 3, #307, pp. 11–12, & n. 3; Muratori, *Rerum Italicarum* 2, pt. 2, col. 1064.

²⁷ *Regesto* 2, #216, pp. 175–176; #217, pp. 176–177; *Chron.* 1, pp. 176–178.

²⁸ See ch. 7, p. 118.

(*relegit*) the confirmation of Farfa's properties issued by pope Stephen IV in 817. In the *Chronicon* Gregory of Catino states that the contested properties were listed in this diploma, but in fact, only Marcilianum was listed, not Paccianum or Furanum.²⁹

When Gregory copied the privilege into the first volume of the *Chronicon*, he correctly dated it according to the reign of Louis the Pious.³⁰ But in the decree Stephen asserted that the Sabina was part of the Patrimonium of the Roman church, and he assessed a tribute on the property.³¹ Immediately following the decree Gregory stated that Lothar corrected this mistake that infringed Farfa's liberties.³² In the privilege of Paschal I of 817 that follows, Paschal made no claim that the Sabina fell within the Papal Patrimony, and he pledged that neither he nor his successors would interfere in the affairs of Farfa.³³

²⁹ *Chron.* 2, p. 256: "insuper et privilegium confirmationis ipsius Stephani pontificis pars Beatae Mariae huic monasterio relegit concessum, ubi similiter loca ipsa praenominata et fundi continebantur." Gregory was familiar with this important confirmation because he had copied it into the *Regestum* and later, the *Chronicon*. *Regesto* 2, #224, pp. 183–186; p. 183, "Fundum marcilianum;" *Chron.* 1, pp. 179–183; p. 180 for Marcilianum; Heinzelmänn, *Streitschriften*, p. 97 & ns. 1 & 2; Heinzelmänn cites many confirmations by Louis the Pious—#216, #217, #242, #248—but in none of them is found such a precise listing of Farfa's property as in the diploma of Louis II; the three pieces of property are not named.

³⁰ *Chron.* 1, p. 183; end of confirmation of Stephen IV: "imperante domno Hludouico piissimo perpetuo augusto a deo coronato magno pacifico imperatore anno. III^o. Gregory copies exactly from the *Regestum*. *Regesto* 2, #224, p. 186.

³¹ *Ibid.*, 182: "hos vero omnes praefatos fundos vel uncias existentes ex corpore patrimonii nostri Sabinensis, iuris sanctae Romanae cui Deo auctore deservimus, Aecclesiae habentes, ita sane ut a te tuisque successoribus, singulis quibusque indicationibus, pensionis nomine rationibus aecclesiasticis decem auri solidi persolvantur, difficultate postposita. . . . statuantes apostolica censura, sub anathematis interdictione et divini iudicii obtestationibus, nulli unquam nostrorum successorum pontificum, vel aliae magnae parvaeque personae ex ipsis locis, fundis et casalibus, quae a praedicto domno Hadriano papa data sunt et a nobis confirmata, sicut superius legitur, in integrum in usu et utilitate suprascripti monasterii penitus auferre, aut ex eiusdem venerabilis loci iure alienare, sed nec ullam violentiam iacturae ibidem inferre praesumat."

³² *Ibid.*, 183: "Libet autem legentium vel audientium hoc suprascriptum privilegium admonere industriam, ne moveantur in hoc, quod sub tributo pensionis huic monasterio concessum fuerit, et contra antiquae eius iura libertatis aliquid suscipiantur, quoniam non multo post Lotharius imperator correxit, et coram successore istius Stephani videlicet Paschale pontifice, et optimatibus sive iudicibus romanis ad liquidum declarare studuit quod nulla ratione hoc monasterium Romanae Aecclesiae dare debeat aliquam pensionem. tum quoque idem dominus et venerabilis Paschalis papa, hoc procul dubio cognoscens, suum privilegium inferius descriptum huic monasterio totius libertatis emisit, et pensionem nullomodo aliquam ab eo exegit." The privilege of Paschal I, 817 (pp. 184–185) omits the offending claim.

³³ *Ibid.*, 184–185 at p. 184: "statuentes . . . ut nulli unquam nostrorum successorum pontificum vel aliae cuilibet magnae parvaeque personae ipsa praenominata loca vel

If Farfa's spokesman had read Stephen's privilege at the tribunal, it would have been necessary for him to have explained Stephen's assertion that Farfa was part of the Patrimony. Since Farfa would not have transmitted information that weakened its case, either its spokesman read only selective parts of the privilege, or he simply reported what he claimed was in it. Cumulatively, the handling of Stephen's privilege, and the inaccuracies concerning Louis II suggest that Farfa was not above manipulating the evidence it presented. As for Gregory of Catino, he may or may not have conspired to produce misleading archival documentation.

Gregory leaves us with the impression that Farfa won the dual over the privileges of "Louis." Seeming to concede the issue of the ownership of the disputed property, Oddo's lawyers demanded that Farfa delineate its boundaries.³⁴ Farfa refused, declaring that according to the law, the petitioner ought to affix them.³⁵

Not until this point almost at the end of his narrative does Gregory mention "the very prudent" Florentine, Bellincio, whom Rainald had constituted as judge.³⁶ If, as appears probable, Bellincio was the "Bellincione," who is cited in the *Annales Camaldulenses*, he was a professional lawyer or advocate.³⁷ We do not know whether he had been present throughout all of the sessions, but it seems probable, since Gregory states that he had listened carefully to both sides, and was now expected to make a judgment.

insuper, auxiliante Deo, acquisita et sicuti supra sunt instituta, a potestate et dicione vestra vestrorumque successorum ac vestri monasterii auferre vel alienare quoquo modo liceat."

³⁴ *Chron.* 2, p. 256: "tunc non iam de proprietate ipsorum locorum concessa a causidicis Oddonis quaestionabatur, sed finium eorumdem locorum ab eis terminus quaerebatur, et volebant ut pars Sanctae Mariae deberet assignare."

³⁵ *Ibid.*: "quod quia non legibus sed inique exigebant, recte impetrare nequibant. nam qui contra aliquem petit quamcumque rem, petitor debet ipsam consignare secundum legem."

³⁶ *Ibid.*: "denique in hoc placito prudentissimus iudex Florentinus nomine Bellincio erat constitutus a comite Rainaldo electus, qui cautissime utrisque partibus auditis, proferre debebat sententiam directae finis."

³⁷ Johanne-Benedicto Mittarelli, *Annales Camaldulenses* 3 (Venice, 1758), Appendix, cols. 196–197; Placitum Mathilde ducissae pro bonis parthenonis S. Petri de Luca, Anno 1105, nonis Octobris; Bellincione is identified as *causidico*; in the following charter of a property transaction of October, 1105 (pp. 197–198) he is listed as an advocate. The identification with the Bellincio in the tribunal is made more probable by the fact that S. Pietro de Luca was in the diocese of Florence. From a privilege of Paschal II, 1113, taking Camaldoli under apostolic protection (*ibid.*, cols. 243–245 at 243): "In episcopatu Florentino monasterium sancti Petri in Luco . . ." See full text, *Annalium*, p. 103.

After examining all of the evidence, Bellincio sought out three elders from each side who were living in the vicinity of the disputed property in order that they might testify to the possession of the property.³⁸ Gregory stated that Bellincio's reason for gathering these witnesses was that Oddo had asserted that he himself remembered that from the time of Nicholas [II] the papal exactor had collected taxes on these properties.³⁹

Supporting Oddo's claims, men arrived who testified that they had collected those taxes, including a fifth from Paccianum.⁴⁰ Farfa countered by producing nine very old men from Furanum and Colle de Nera. These witnesses stated that the only tax paid to the papacy was a war levy demanded by the militia of Gregory VII on threat of having their territories and crops burned.⁴¹ Gregory of Catino scoffed at the testimony of Oddo's witnesses, treating their pretenses with contempt.⁴² Satisfied that its own witnesses had negated the testimony of those of the counts, Farfa introduced noble lords of castles lying in the disputed properties. These men showed documents and charters testifying that they had inherited their property from their ancestors with all of its purtenances, and free of taxes.⁴³

³⁸ *Chron.* 2, p. 256: "qui omnia superius comprehensa sapienter audiens, novissime quaesivit antiquiores, et ab utraque parte viros tres ipsorum locorum circum manentes, ut illorum vera recordatione posset discernere praedictorum locorum possessionem."

³⁹ *Ibid.*: "nam Oddo dicebat quod ipse recordaretur a tempore Nycolai papae praedictorum locorum omne redditum sive districtum habuisset exactor Romanae curtis."

⁴⁰ *Ibid.*: "altero autem die venerunt quidam homines de Septimiliana ex parte Oddonis, qui dicebant se aliquando exactores fuisse, et de Pacciani loco quintum collegisse."

⁴¹ *Ibid.*, 256–257: "affuerunt quoque et de castris Furano et Colle de Nera viri antiquissimi novem, qui primo singillatim, et insimul postea interrogati, legem se purissimam facere proferebant, quod numquam tributum necque aliquod redditum necque districtum ex eisdem castellis exactor habuisset aliquis Romanae curtis, praeter quod temporibus Gregorii papae septimi aliquando super nos hostiliter venientibus, et aestatis tempore segetes vel areas nostras incendere minantibus, obsides coacti dabamus, sicque nostra reliqua bona praetio redimebamus."

⁴² *Ibid.*, 257: "itaque superati sunt ridiculi partis Oddonis, et horum veracium ausu testium per omnia confusi."

⁴³ *Ibid.*: "super haec autem et viri nobiles domini praefatorum castellorum ostendebant muniminia et instrumenta acquisitionum suarum, quas singulis hominibus magno praetio antiquiores emerant parentes ipsorum, in quibus continebatur quod venditores ipsi sic vendiderunt parentibus eorum omne placitum, omne districtum, omne redditum et omne quintum et portuum etiam teloneum de Pacciano, qui et Collis de Nera vocatur, et de Marciliano, simulque et Gabiniano, sicut ipsi per successiones parentum suorum quiete et pacifice ac sine alicuius violentia potestatis possederunt."

The testimony of these witnesses ended the proceedings. After reviewing all of the testimony and written evidence presented at the tribunal, Rainald and Bellincio held a secret council to reach a wise judgment.⁴⁴ But after their deliberations they expressed concern that either side might be burdened [by a judgment], and suggested that it would be preferable for the two parties to enter into an equitable pact with one another.⁴⁵ When Farfa and the Ottaviani failed to reach such an accord, Rainald returned the hostages and pawns, and Berald and Oddo swore a truce valid for four years.⁴⁶

The proceedings were completed on July 15, 1105 in the palace of the fortress of Tophia.⁴⁷ Those present on behalf of Oddo were Leo iudex, Cencius Iohannis Madelmi, Benedictus de Piscatrice, and Gesfredus morator Reatinae urbis.⁴⁸ On the side of Berald were Petrus iudex a Sancta Maria Maiore, Rainerius Perosinus, Berardus de Archidiacono Ortano, and Petrus de Transtybere.⁴⁹

Oddo's advocat (*iudex*) is not further identified, but Gesfredus is characterized as a *morator* from Rieti. Traditionally a "morator" was a kind of advocate whose main skill was in talking while the primary advocate rested and refreshed himself. Two of Farfa's team appear to have been Romans: the *iudex* from Sancta Maria Maiore, and Petrus de Transtybere. Missing were any explicit connections on either side with the papal curia or the empire.

The hearings that had been fought out so passionately over such a protracted period ended on a surprisingly muted note. Could the reason have been that the power of Farfa and the power of the counts were too evenly balanced to rule in favor of one or the other? Or did a *modus vivendi* evolve over the course of the proceedings

⁴⁴ Ibid.: "haec audientes et suptilius indagantes comes R[ainaldus] et praefatus Bellincio iudex eius, secretius invicem consilium habuerunt, et de sententia diffinite proferenda prudentissime pertractare ceperunt."

⁴⁵ Ibid.: "et quia alicui partium forsitan gravari praevidebant, sagaciter egerunt, ut minime sententia proferretur sed magis aequo pacto inter eos causa ipsa finiretur."

⁴⁶ Ibid.: "quod quia non valuerunt, rogatu comitis R[ainaldi] quaeque pars sua pignera et obsides ab eo receperunt, et in fine, quam spatiis annorum quatuor per sacramentum firmaverant Oddo et domnus abbas, cum huius monasterii et Oddonis captivi laxarentur, permanere eos omnimodis decrevit."

⁴⁷ Ibid.: "anno Christi incarnationis millesimo .cv., mense iulii die .xv., in palatio castri Tophiae."

⁴⁸ Ibid.: "ubi interfuerunt ex parte Oddonis: Leo, iudex, Cencio Iohannis Madelmi, Benedictus de Piscatrice, et Gesfredus morator Reatinae urbis."

⁴⁹ Ibid.: "ex parte autem domni abbatis: Petrus iudex a Sancta maria Maiore, Rainerius Perosinus, Berardus de Archidiacono Ortano, et Petrus de Transtybere."

with which both sides were able to live? Or since Henry IV and Henry V were still struggling over the emperorship, did Farfa and the Ottaviani conclude that the time was not opportune for pressing their cases? Let us examine these and other hypotheses to try to account for the outcome of the two tribunals.

CHAPTER NINE

THE SIGNIFICANCE OF THE TRIAL

The arguments articulated in both tribunals produced an expectancy that the judgment of the dispute between Farfa and the Ottavinai would serve as a referendum on the claims to authority of the papacy and the empire. The protagonists had ventilated many of the most important issues of the day, and had presented evidence of the most profound ideological significance. Sadly, if the judges enunciated opinions touching on these issues, Gregory of Catino did not record them. We historians are thus left with the task of evaluating the testimony and the complex maneuvering of both sides.

The character of the two tribunals differed markedly. A loyal supporter of the pope presided over the sessions in Rome, and a local count over those in the Sabina. The locales also affected the proceedings. The sessions in Rome were held within the stronghold of the president of the tribunal, Petrus Leonis. At some distance from the heart of Farfa's own property in Rome, it was alien, but not neutral territory. By contrast, the Sabina was home to both parties, and outside of the tinderbox of Rome, where confrontations involving the pope and emperor frequently ignited. Although the nature of the cases changed strikingly between the two tribunals, they had in common that they both ended without a decision.

If one relied solely upon Gregory's account, the reader would be surprised at this outcome, for Farfa is portrayed as the aggrieved party that presented the stronger case in both tribunals. By contrast, the counts are seen to have attacked Farfa without provocation, and to have adduced slanted, and even false evidence. Why, then, did the presidents and judges of both tribunals not rule in favor of Farfa? Was it that Farfa's case was weaker than Gregory revealed, and that possibly the arbitrators even noticed errors? Or, perhaps, were the arbitrators fundamentally ruling on the rights of higher powers instead of on their proxies, Farfa and the counts? Or, even further, did the arbitrators themselves represent these powers, and judge the cases accordingly?

In responding to these queries, we must snatch evidence wherever

we can. Count Rainald's later record may reflect on his proclivities at the time of the tribunals. We have already seen that in 1109 Paschal II made a grant to Johannes, abbot of Subiaco, the brother of Oddo and Ottaviano. Among other signatories were the two brothers, Rainald, and Huguccio, the son of Petrus Leonis.¹ In this case Rainald appeared to be associated with Paschal, the Ottaviani and their allies. But in a little more than a decade he so loyally supported the emperor that he refused to allow his son to be chosen as abbot of Farfa in opposition to the imperial candidate. These facts suggest that just as the Ottaviani slipped from a defense based upon imperial prerogatives to one based upon papal authority in the arbitration hearings, Rainald also may have had no firm allegiances in 1105.

The Ottaviani's ingenious use of the Donation of Constantine provides the most significant clue for understanding the character of the tribunals. Because the Donation had been forged by someone within papal circles to support papal claims to secular authority, and because it was invoked almost exclusively for that reason, it is highly probable that the curia participated in crafting this defense. Although its fingerprints are no longer visible, Gregory's narrative following his description of the tribunals suggests reasons why the curia might have lent its best theoreticians to defend two provincial counts with blemished records.

Gregory seems to associate the counts with the papacy as predators stalking Farfa's property, forcing Berald to take measures that left him open to criticism. To Gregory, this was the ambiance in which the tribunals took place. Seemingly defensively, immediately after describing the tribunals Gregory pleaded for understanding of Berald's actions. He noted that some people out of naivete, and others out of envy grumbled that the abbot was a tyrant, who appropriated the goods of his monks. For this reason, he said, they turn against him.² But putting these charges in perspective, he emphasized that Berald directed Farfa in a time of great danger.³ Because of envy, he

¹ In an excerpt from the register of Paschal II, Paschal grants Johannes guardianship over the castles of Ponza and Affile on September 7, 1109. Among the witnesses were Rainaldus Sinebaldi, Octavianus, Oddo fili[us] Johannis de Oddone, Huguzion filius Petri de Leone; *Le Liber Censuum* 1, p. 407.

² *Chron.* 2, p. 258: "haec iccirco fatemur quoniam quosdam simpliciter, quosdam vero invidiose novimus musitare de domni patris nostri Beraldi praelatione. aiunt enim, illum ceu tyrannum et bonorum distractorem fuisse cenobii huius, ideoque in eo aliquomodo scandalizantur."

³ *Ibid.*: "quorum scrupulum ut vitare quaeamus, ipsius nonnulla gesta a primevo

asserted, the *capitani*, counts, and especially the Roman pontiff perpetrated unheard of hostile acts (*contraria*) against Farfa.⁴

Looking back to the origin of these conflicts he explained that when Berard II died, the monks of Farfa had been left like sheep without a shepherd, and the *capitani* and the counts had tried to confiscate the goods of the abbey. To protect these goods and property, the elders selected a member of the noble and distinguished family of the Ascari as their abbot. The strategy seemed to work, Gregory observed, and those who at first had been aggressors against Farfa appeared to have become faithful clients.⁵ But Gregory lamented that their loyalty was only feigned, and their true inclinations soon emerged.⁶

During this period of instability, Gregory continued, several landowners in the Sabina put their property under the dominium of Farfa for protection.⁷ But the abbey's enemies waited their chance. Unconscious of their scheming, Berald provided them with their opportunity when he traveled to the March. They struck, attacking and depopulating Farfa's towns. Informed of their invasion, Berald quickly returned, and at least for a time, restored order.⁸

tempore huic opusculo inserere curamus, quatinus proficua plurima erga huius coenobii negotia ab eo perpetrata fideliter proferamus."

⁴ Ibid.: "enimvero ipsius praelationis diebus periculosa tempora perspeximus, et quaedam inaudita contraria adversus hoc monasterium invidiae causa a nostris vicinis capitaniis, comitibus et maxime a pontifice Romano iniuste effici minime ignoramus."

⁵ Ibid.: "defuncto denique domno Berardo secundo abbate, haec ecclesia Farfensis in maximam devenit defectionem. eramus enim sicut oves non habentes pastorem, quoniam qui nostrum tunc assumpserat regimen, a suis non modice contemnebatur, et ab extraneis pro nichilo ducebatur. comites quoque sive capitanei pene omnes bona abbatiae pedetentim sibi conabantur optinere. quapropter praecipui seniores domnum Beraldum nobiliorem incliti viri Ascari filium elegerunt abbatem, videlicet ut, suorum plurimorum sublimium fultus iuvamine parentum, nequaquam cederet cuiquam res huius monasterii subripere; quod ita factum Dei providentia perspeximus, quemadmodum in posterum fideli relatione narrare curabimus."

⁶ Ibid.: "postquam vero corroboratus est in abbatiae honore, illi qui ante bona huius coenobii satagebant demoliri, aliquantulum istius sunt terrore compressi, et qui prius crudeles videbantur aemuli, demum se simularunt fideles fore clientes. sed minime diu latere valuit virus quod in eorum iecore latebat."

⁷ Ibid., 259: "interea ceperunt quamplurimi Sabinensis territorii ad istius ecclesiae dominum festinare ac sub istius domni abbatis auxilio properare, quatinus ipsius muniti suffragio ab illorum morsibus eruti forent. quod illi perspicientes et nimium prae oculis dolorem habentes, agere aliud nequibant, infra semetipsos suosque domesticos seviebant et infelices suis visceribus pascebantur."

⁸ Ibid.: "interim noster abbas qui et pater, nullius tunc conscius doli, in Marchiam secessit. illi vero tempus sibi aptum putantes habere, quadam nocte surgunt oppidaque nostra quaedam summo invadunt conatu, et omnia quae inveniunt depopulantur. mox itaque ut haec facta aures praefati pulsarunt patris, celeri cursu rediit, et ab

Gregory does not explain when or why Berald went to the March, but from the context the time seems to have been just after the conclusion of the second tribunal in July, 1105. If Berald had perceived the fine hand of Paschal working behind the scenes in the arbitration proceedings, he might have been goaded to consult with Margrave Werner about replacing his nemesis as pope. Werner was the son of a Swabian count, who had served as a captain under Leo IX, and who had captured the March east of the Sabina. Henry IV had favored Werner's father as a counterweight to Countess Mathilda of Tuscany, and he continued this good relationship with Werner. In general Werner protected Farfa, and frequently acted *in loco* for Henry V, who had broadened Werner's power by investing him with the Duchy of Spoleto and the Camerino.

Whether in collusion with Berald or not, Werner answered a call to come to Rome in November, 1105, to help to secure the election of Maginulf, the archpriest of Sant' Angelo, as Sylvester IV. Some of Rome's oldest families participated in his election at Santa Maria della Rotonda (Santa Maria ad Martyres). Among them were the Baruncii, the Normanni, and the Corsi, Paschal's implacable opponents.⁹ Werner succeeded in installing Sylvester IV in the Lateran,

illorum insidiis se circumquaque munire studuit, ac plane mutua dona eis reddere coepit, et tandem placitum illi, Dei peragente nutu, finem fecerunt, et aliquantulum a manifesta lesione cessarunt."

⁹ *Annales Romani*, *Lib. Pont.*, 2, pp. 345-346: "Tertius, scilicet Maginulfus, archipresbyter sancti Angeli, cui posuerunt nomen Silvester. Unde facta est coniuratio magna atque seditio, tam de equitibus quamque et peditibus; et elegerunt eum in basilica beate Mariae que dicitur Rotunda, clerici ac layci qui adversarii erant dicti pontifici. Maiores vero qui in hac coniuratione fuerunt isti sunt: heredes Stephani Ocdonis, scilicet Stephanus qui dicitur Normannus cum suis germanis; Nykolaus Cencii Baruncii et Petro filio eius; Romanus Romani Baruncii cum fratribus ac nepotibus suis; Heinricus a sancto Eustathio et filiis suis; Bericzio a Sancta Maria in Aquiro dum Stephano fratre suo ac filii eorum; et alii plures. Qui miserunt legatos ad marchionem Guarmerium qui erat ex parte H. regis ut cum festinatione in eorum veniret auxilio."

Chronicon Fossae Novae, ed., Ludovico Antonio Muratori, *Rerum Italicarum Scriptores 7* (Milan, 1725), p. 867, anno 1105: "Marchion [Werner] venit Romam consentientibus quibusdam Romanis et elegi Adanulphum in papam Silvestrum ad Sanctam Mariam Rotundam infra Octavam Sancti Martini, sed sine effectu reversus est, et Boemundus transfretavit in Apuliam."

In a letter written to the notable clergy and people of Gaul on November 26 Paschal presents his side of the issue: "Venit quidam Wernerius regni Teutonici famulus in Romanae urbis vicina, evocantibus eum quibusdam perfidiae mentis hominibus, quorum alii extra urbem per manum quondam regiam ius sive salarium sedis Apostolicae invaserant, alii intra urbem, eo quod curiae nostrae munera sive familiaritatem habere non poterant, Deum et Dei fidem post habere deliberaverunt.

but the schismatic pope was soon attacked by Paschal's militia and was forced to flee to Werner's encampment in Tivoli. By taking Sylvester under his protection, Werner assured that he would remain a nascent threat to Paschal.

Although Maginulf's family is unknown, the generally well-informed imperial chronicler, Ekkehard of Aura, mistakenly, but understandably, identified him as "a certain pseudo-abbot" of Farfa.¹⁰ No doubt Ekkehard linked Farfa with the empire, and in all probability he was further influenced by Margrave Werner's direct involvement in Maginulf's election. In his chronicle Sigebert of Gembloux cites a letter that Werner wrote to Henry V in 1105 describing the election.¹¹ It has been suggested that perhaps the bearer of the letter indicated to Henry V that Maginulf had been a monk at Farfa.¹² If

Talibus sociis presbyter quidam Romanae urbis advena se coniunxit, de quo vel ubi vel hactenus ordinatus sit, ignoramus. Hanc personam egregiam nigromanticis, ut dicitur, praestigiiis plena, cum fideles nostri occasione treugae Dei ab armis omnino desisterent, in Lateranensem ecclesiam induxerunt et congregatis Wibertinae fecis reliquiis ei episcopi nomen perniciosissime illeverunt." Johann Matthias Watterich, *Pontificum Romanorum qui fuerunt inde ab exeunte saeculo IX usque ad finem saeculi XIII Vitae 2, Paschalis II.—Coelestinus III. (1099–1198)* (Leipzig, 1862, repr. Aalen, 1966), pp. 30–31; Hüls, *Kardinäle*, pp. 261–262; Servatius, *Paschalis II.*, pp. 69–72, 150–153; Gregorovius, *Rome in the Middle Ages* 4:2, pp. 321–323.

Schuster suggests that the branch of the family of Oddo and Ottaviano in Rome may also have been involved in the election, but this possibility seems to me to be remote. *Abbazia di Farfa*, p. 247: "giacche proprio verso questo tempo [1105] egli [Berald] era in lotta coi conti Oddoni di Ottaviano, quelli precisamente che, a capo del partito imperialista di Roma, invitarono il duca Guarnieri ad eleggere Maginolfo col nome di Silvestro IV."

¹⁰ MGH SS 6:234: "quendam pseudoabbatem de Farfara, proh nefas! kathedrae sancti Petri imposuit, et ipsum papam caesaris sub vocabulo Silvestri appellari voluit."

¹¹ Sigebert of Gembloux, MGH SS 6:368–369: "'Quidam Romanae aecclesiae clerici, qui pro religiosis et sapientibus habebantur, qui etiam Hildibrando Papae, Odoardo et Rainero familiariter adhererant, relictis illorum secta, quam erroneam esse tandem intellexerant, ad satisfactionem sanctae aecclesiae venerunt. Huius rei maxima causa fuit, quia Rainerum Papam pollutum esse symoniaca heresi pro certo compertum habebant. . . . reliquum vero summae solverit pro eo Petrus Leonis et Albertus Stephani. . . . Romani eum vere hereticum et scismaticum protestantes, protulerunt in eum [Paschal II] sententiam iustae damnationis. Preminebat inter Romanos quidem Maginolfus archipresbiter, qui quia erat laudabilis vitae, et in utraque scientia adprime eruditus, longo tempore prelatus Romano clero, diligebatur a cuncto Romano populo, tamquam pater a filiis. Cum etiam hic zelo Dei accensus contestaretur publice, Rainerum esse hereticum, tunc vero omnes fere Romani clamabant, Rainerum ut symoniacum esse deponendum, Maginolfum vero et veritatis testem esse substituendum in sede apostolica.'" Watterich, *Vitae Pontificum Romanorum* 2, pp. 29–30.

¹² Paulo Brezzi, the distinguished historian of Rome and its relationship with the empire, has suggested that Maginulf may have been a monk at Farfa. He also thinks

this were the case, Ekkehard would not have been too far off the mark in identifying Maginulf as a pseudo-abbot of Farfa.

In his letter Werner states that certain Roman clerics known for being religious and wise, and who formerly had supported Gregory VII, Urban II, and Paschal II, learned that Paschal was guilty of simony. When Paschal refused to purge himself of his crime, the Romans elected the highly respected archpriest, Maginulf. Werner asserts that Paschal then fled to Gaul, where he held synods to gain support, while concealing the fact that he had been expelled from Rome because of simony. Among others, Werner identifies Petrus Leonis and Albertus Stephani as those who had bribed the Tusculani and Petrus de Columna on behalf of Paschal, thereby implicating themselves in Paschal's act of simony.

Werner could have fabricated his description of Maginulf's election, but at least in part, he might have reported accurately. If his charge against Petrus Leonis were true—and it fits the pattern of a time-honored practice—it would be another case in which Berald and Petrus Leonis found themselves on opposing sides. Although they both professed that they opposed simony, reality was reality, and even the most ardent reformers made compromises. Accurate or not, the letter expresses sentiments about Petrus Leonis and Paschal that Berald shared after the tribunals. It is conceivable, therefore, that reacting to Paschal's involvement in the tribunals, Berald traveled to the March in 1105 to conspire with Werner about securing the election of Maginulf.

Paschal, in turn, awarded Oddo and Ottaviano the rectorship over the Sabina in 1106, perhaps to ensure an effective opposition to Maginulf, and almost certainly to reward the brothers for carrying the papal banner against Farfa through most of the arbitration proceedings.¹³ Possibly the papacy dangled this plum before the Ottaviani if they would change their defense from a reliance on imperial rights to one based on papal privileges. The papacy would gain because it would be given a very visible forum for presenting the theoretical justification for its claims to the Sabina; the Ottaviani would gain because they would have the support of the sophisticated theologians and canonists of the curia, and the promise of new powers. If the

that it is ingenuous to believe Werner's account. *Roma e L'impero Medioevale* (774–1252) (Rome, 1947), pp. 277–278.

¹³ Bossi, "I Crescenzi di Sabina," p. 132.

counts won, the papacy would also win, because the judgment would recognize its authority over the Sabina. Even though the decision ended in a draw, the papacy nevertheless lifted the Ottaviani from their status as just another noble family in the Sabina to the more exalted position of papal rectors.

By contrast, never changing its strategy in the tribunals, Farfa remained reliant on its papal and imperial privileges, and on its imperial patron upon whom its liberties depended. As recently as 1084 Henry IV had ruled in favor of Farfa in property disputes with other local families. Sitting in court at Rieti with Oddo and Ottaviano among others, he had invested Berard I with churches and other property unjustly usurped by members of these families, including the sons of Sinebaldus.¹⁴ But Farfa had no quarrel with the papacy per se, and in the tribunals of 1103–1105 it particularly emphasized Nicholas II's solemn commitment not to infringe its liberties.

Even though the papacy showed its basic approval of the Ottaviani by appointing them as rectors after the conclusion of the tribunals, toward the end of the proceedings divergences between its interests and those of the counts had become manifest. It became obvious to the Ottaviani that if the arguments spun out of the Donation of Constantine had prevailed, their property rights as well as those of all of the other counts of the Sabina would have been imperiled. Apparently anticipating this consequence, and seeing that their defense was not very effective anyway, the Ottaviani jettisoned the Donation and produced witnesses and imperial privileges to authenticate their claims over the disputed property. The new evidence was probably the kind that they had intended to introduce in the first tribunal, and which perhaps they did. Ultimately, the counts were clearly fighting for themselves.

As a Florentine, Bellincio had the vantage of at least some degree of detachment. He and Rainald appear to have ignored arguments based upon the Donation, and to have arrived at their decision from the testimony of witnesses, documentary evidence, and political considerations. They probably saw the wisdom of keeping a balance

¹⁴ *Regesto* 5, #1088, an. 1084, p. 83: "... resideret domnus heinricus cum eo iohanne, guilelmo ... [etc.] octone et ottaviano germanis fratribus [etc.]... Ibiq[ue] ante eius praesentiam venit domnus Berardus pharphensi abbas cum aduocato suo sarracino, et coepit dicere quod 'iam multotiens proclamaui ad te, domne rex, de filiis berardi, et filiis dodonis, dudati, et sinebaldi, et...' Servatius, *Paschalis II.*, n. 134, p. 75.

between Farfa and the counts, and accordingly, opted for the maintenance of the status quo. They may also have been reluctant to make the Sabina into a battlefield on which to fight the wars between the emperor and the papacy. Already there had been incipient skirmishes, and outright conflict would have subordinated local interests to imperial and papal objectives.

The arguments presented in the second tribunal resonate in the *Liber Censuum*, compiled in 1192 by Cencius, the papal *camerarius*. Cencius incorporates a somewhat earlier manuscript into the *Liber* written by the scholar, Albinus.¹⁵ Albinus introduces a section involving Farfa by explaining that the papacy had originally received the lands of the Patrimony from the Donation of Pepin and then from Charlemagne.¹⁶ The text states that Subiaco, the church of the Savior at Rieti, and Farfa were under the jurisdiction of St. Peter because they were located in the patrimony.¹⁷

Albinus never mentions the Donation of Constantine as justification for papal possession of the Patrimony. The appeal to the forgery in the second tribunal seems to have been a momentary expedience that did not even survive the proceedings. From the Ottaviani's perspective the Donation of Pepin would have served just as well, but for the papacy the difference was immense. The Donation of Pepin was much more restricted, and was interpreted by the Carolingians to be a grant of jurisdiction, not of ownership. The Ottaviani's use of the Donation of Constantine suggests that it was the papacy's choice, and that the papacy was the loser when it was discarded.

Ironically, the clever arguments contrived by both sides turned out to be extraneous to subsequent events. After some years Oddo attracted to himself the same nobles who had originally donated their

¹⁵ For pertinent works on the *Liber Censuum* see Stroll, *Symbols as Power*, p. 46 & n. 2.

¹⁶ *Liber Censuum* 1, p. 345: "DE CIVITATIBUS ET TERRITORIIS QUE REX CAROLUS BEATO PETRO CONCESSIT ET PAPE ADRIANO TRADI SPOPONDIT, NECNON CIVITATIBUS, CASTRIS, TERRIS ET MONASTERIIS PER DIVERSAS MUNDI PROVINCIAS CONSTITUTIS ET CENSIBUS ECCLESIE ROMANE DEBITIS AB EISDEM," and subtitled, "Ex Romano Pontificali cap. CXLVIII." subtitle from Deusdedit, *Die Kanonessammlung* 2, p. 345.

¹⁷ *Ibid.*, 346: "Item monasterium ejusdem Sublacense et Salvatoris apud Rete et Farfense juris beati Petri sunt, quoniam in ejus patrimonio et territorio ut in sequentibus legitur sita sunt." In n. 8, p. 358 Duchesne says that it is not clear on what basis the papacy made claims over Montecassino, Subiaco, Rieti, and Farfa. Servatius, *Paschalis II.*, n. 136, p. 76.

property to Farfa.¹⁸ Following Berald's death his successor, Guido III, restored the proprietary charters to the lords of the castles of Collis de Nera and Furanum, previously conceded to them by Berald. Guido swore that he would not infringe their rights, and returned a brief that he said they had unwillingly made to Berald. He assured them that neither that brief, nor any other would create problems over the property.¹⁹ The lords recognized the abbey's higher dominium over Furanum and Collis de Nera, and agreed to pay a tax on condition that the abbot be able to defend them.

Rather than the trial, the chaos following the death of Berald in 1119 permitted the papacy to gain control over Farfa and the Sabina. The Ottaviani appear to have been the last of the papal rectors. The office became otiose when the Sabina returned to the direct administration of the papacy as part of the restoration of the Patrimony.²⁰

Turmoil Between Paschal and Farfa

But before that major success for the papacy, Paschal and Farfa were to engage in further hostilities. It began with the rebellion against Paschal in 1108. When the pope departed for Southern Italy in the fall of that year he left Cardinal Bishop John of Tusculum as his vicar, and the Pierleoni and the Frangipani in charge of Rome. He appointed Count Tolomeo of Tusculum as the protector of the Patrimonium, and his nephew, Gualfredo, as commander of the papal militia. Paschal had barely departed when a revolt broke out under the leadership of Count Tolomeo, and included Petrus Colonna,

¹⁸ Schuster, *Abbazia di Farfa*, p. 250.

¹⁹ *Chron.* 2, pp. 301–302. In 1120 the lords of the castles of Collis de Nera and Furanum cede some property, and swear fealty to Farfa; *Regesto* 5, #1322, an. 1120, p. 316; #1323, an. 1120, pp. 316–317; The abbot, Guido, restores to the lords of the castles of Collis Nerae & Forano the charters of property of the same castles previously conceded by them to Berald: "Ego Guido . . . promittimus uobis dominis de castro collis nerae et forani, qui fecistis cartam proprietatis de ipsis castellis in nostro monasterio, ut neque nos neque aliquis successor noster tollamus uobis ipsa castella neque mittamus in eis aliquem ministerialem super uos, neque castaldum, sine uestro consilio, et adiuuabimus uos et defendemus sicut alios nostros equites et castella nostra. Et reddimus uobis breuem ipsum quem fecistis inuite ad domnum abbatem beraldum ut nunquam per ipsum uel per alium breuem contra uos factum, lesionem aliquam uel calumniam habeatis de ipsis rebus, neque uos neque haeredes uestri usque in finem scripti uestri."

²⁰ Bossi, "I Crescenzi di Sabina," p. 135.

Berald, and many Romans.²¹ Although the *Liber Pontificalis* does not mention the Ottaviani, at least one scholar speculates that they may also have been involved. Since the Sabina joined in the rebellion, he suggests that they may have combined forces with their old rival, Berald, and have leapt into the fray. He reasons that this could have been the reason why Paschal deprived the two rectors of their office after he had quelled the revolt.²²

In the short run Paschal dealt effectively with Farfa and the rebellious nobility of the Sabina. As evidence of his success, he was still present at Farfa's castle of Tarano on September 7, 1109, and the castle is later listed as owing fees to the papacy.²³ But Paschal left a legacy of bitterness. Berald remained solidly committed to the emperor, and in 1111 he placed Farfa in jeopardy and courted the opprobrium of Western Christendom by providing Henry V with fortresses in which to safeguard his captives—Paschal and most of the cardinals. The tables had turned.

How did this volatile situation come about? Paschal had excommunicated Berald for his leadership in the revolt of 1108, but the sentence does not appear to have affected the abbot's position in the Sabina. There, everything appears to have been calm. The son of Count Crescentius, also named Berald, even conceded to Farfa the castle of Porcile with its adjoining monastery of Santa Maria.²⁴ But discontent among imperial sympathizers still simmered. Two imperial emissaries sent to Paschal to negotiate Henry's coronation returned to Germany with a positive papal response. But they also carried with them entreaties from imperial sympathizers urging Henry to hasten to Rome to restore the Roman commune and to reform the Roman see.²⁵

Henry's priority, however, was to be crowned by the hands of the

²¹ *Lib. Pont.* 2, p. 299: "In itinere erat: audivit in Urbe seditiones innumeras terribilesque connecti; extra Anagniam, Praenestem, Tusculanum, ipsas etiam Sabinas defecisse; huius defectionis caput roburque Ptolomeum fore; ascivisse sibi Petrum de Columna, abbatem Farfensem, Romanorum copiam."

²² Bossi, "I Crescenzi di Sabina," p. 170; Servatius, *Paschalis II.*, p. 76.

²³ *Liber Censusum* 1, p. 378; Silvestrelli, *Città, Castelli et Terre* 2, p. 470.

²⁴ *Regesto* 5, #1205, anno 1110, pp. 197–198: "... Idest aliquid de rebus nostris quas habemus in territorio tiburtino, quod est castrum quod uocatur porcilis, cum terris, muris, aedificiis, casis, casulariis, portis, fossatis, et omnibus sibi pertinentibus, de intus et de foris." Boesch Gajano, "Beraldo," p. 772; These good relations seem to support Bossi's hypothesis that the Crescentii and Ottaviani cooperated with Farfa in the revolt against Paschal in 1108.

²⁵ Watterich, *Pontificum Romanorum Vitae* 2, n. 1, p. 46.

pope. Over a series of negotiations he and Petrus Leonis, Paschal's chief negotiator, worked out a draft of an agreement concerning investitures that was to be solemnized at the time of the coronation.²⁶ The treaty stipulated that bishops and abbots relinquish their *regalia* in return for imperial renunciation of investitures. Either side could have felt that the provisions of the draft treaty were unworkable, and it is not surprising that the amicability that had characterized the negotiations was abruptly shattered when Henry V arrived at St. Peter's on February 12, 1111. When the German bishops and princes refused to ratify the treaty, Paschal declined to crown Henry. The impasse ended when the imperial forces captured Paschal and all but two of the cardinals, who escaped to raise support for the pope.

The Romans rallied to save Paschal, but in the ensuing hostilities, Henry managed to slip away to the Sabina with his captives. There he deposited his prisoners in fortresses under Farfa's jurisdiction. Most of the cardinals were placed at Corcolle, while Paschal was held at Tribuco with two cardinal bishops and four other cardinals. The prisoners remained in these fortresses until April when Paschal capitulated to Henry's demands to allow imperial investitures with ring and staff.²⁷ The pressure on the pope must have been intense, since he knew that his captors were sympathetic to Maginulf (Sylvester IV), and that they could have sparked a much more threatening papal schism at any time. After the agreements had been solemnized at Ponte Mammalo, Henry and the papal party returned to St. Peter's, where the long delayed coronation ceremonies were finally consummated.²⁸

The rebellion against Paschal and the events of 1111 reveal an intensification of hostility between Farfa and the papacy. Farfa still succeeded in eluding papal domination, but it had drawn the lines

²⁶ Curiously, Gregory of Catino does not report these events in the *Chronicon*; documents from the register of Paschal II record the proceedings, *Liber Censuum* 1, pp. 409–414; The literature on these events is vast; e.g. Stanley Chodorow, "Paschal II, Henry V, and the Origins of the Crisis of 1111," pp. 3–25 of *Popes, Teachers and Canon Law in the Middle Ages*, ed. James Ross Sweeney & Stanley Chodorow (Ithaca, London, 1989); Servatius, *Paschalis II.*, pp. 77–79, 214–245; Stroll, *Symbols as Power*, n. 1, p. 57.

²⁷ *Liber Censuum* 1, p. 412: "Pontifex autem cum duobus episcopis, Sabinensi videlicet et Portuensi, et cardinalibus III^{or} apud castellum Trebicum, ceteri vero cardinales apud Corcodilum in custodia detinebantur. Itaque cum et agros Romanorum rex cotidie depopularetur et eorum animos dolis ac pecunia pertemptaret, tanta Deus populo constantiam tribuit ut nichil cum eis pascisci sine pace et cardinalium liberatione potuerit." MGH Const. 1:142; Servatius, *Paschalis II.*, pp. 246–247.

²⁸ *Ibid.*, 413.

more sharply. No longer did it straddle the line extending unqualified loyalty to the emperor, while professing obedience to the reform pope. Sooner or later when the opportunity arose, the pope would retaliate against Farfa for its constant opposition, and for the indignities that it had inflicted upon Paschal. That opportunity would come with the disputed abbatial election in 1119, and the almost simultaneous election of Guy, archbishop of Vienne, as Calixtus II.

We shall observe the painful metamorphosis of Farfa from imperial patronage to papal domination, but first, let us return to some unfinished business—the papal electoral decree of 1059 that Gregory recorded in the proceedings of the second tribunal. To understand Farfa's political evolution, it would be illuminating to know why the "imperial" version first appeared in its chronicle. Even though there is a consensus that this version was a forgery, there is no absolute proof, and it is worthwhile to raise the question again.

CHAPTER TEN

THE PAPAL ELECTORAL DECREE OF 1059

The original decree has never been found, and indeed may intentionally have been deleted from the Register of Nicholas II. Almost certainly the side that spawned the forgery conspired to suppress it. In the *Chronicon*, Gregory of Catino transmitted the version that emphasized the role of the emperor; the other stressed the prerogatives of the cardinal bishops.¹ At one time this was called the “papal” version, and the one in the *Chronicon* the “imperial.” Even though the evidence is not conclusive, scholars now generally believe that the “papal” version is genuine, and the “imperial” version a forgery.² Because the terms, “papal” and “imperial,” are now judged to be too crude, they are respectively replaced by “genuine,” and “forgery.” Manuscripts of the “forgery” were broadly disseminated in Italy and Germany, and manuscripts of the “genuine” in France.³

On mainly ideological grounds it formerly was thought that the “forgery” was drafted in the late 1080s or 1090s in the circle of the

¹ For one of the most recent studies citing virtually all of the literature, and reproducing comparative texts of both versions see Detlev Jasper, *Das Papstwahldekret von 1059: Überlieferung und Textgestalt* (Sigmaringen, 1986).

² Although Jasper himself has no doubt that the “papal” version of the decree is genuine, he cites the literature which argues for each side. *Das Papstwahldekret*, n. 9, p. 13; p. 14 and n. 53; p. 15 and n. 54; pp. 94–95; n. 220, p. 56.

Paul Scheffer-Boichhorst wrote the groundbreaking study, *Die Neuordnung der Papstwahl durch Nicolaus II.* (Strassburg, 1879); Hermann Grauert carefully examined related documents and arguments of scholars that cast light on the authenticity of the two versions. “Das Dekret Nikolaus II. von 1059,” *Historisches Jahrbuch* 1 (1880), 502–602; p. 515 for the conclusion that the papal version is the genuine decree. Two other older studies are: Georg Waitz, “Über das Decret des Papes Nicolaus II. über die Papstwahl,” *Forschungen zur deutschen Geschichte* 4 (1864), 105–119; Cornelius Willi, “Über die Fälschung des Decrets Papst Nicolaus II. über die Papstwahl,” *ibid.*, 537–550; see also H. Grundmann, “Eine neue Interpretation des Papstwahldekrets von 1059,” *Deutsches Archiv für Erforschung des Mittelalters* 25 (1969), 234–236; Friedrich Kempf, “Pier Damiani und das Papstwahldekret von 1059,” *Archivum Historiae Pontificiae* 2 (1964), 73–89.

³ Hans-Georg Krause, “Die Bedeutung der neuentdeckten handschriftlichen Überlieferungen des Papstwahldekret von 1059: Bemerkungen zu einem neuen Buch,” *Zeitschrift der Savigny Stiftung für Rechtsgeschichte* KA 107 (1990), 89–134, esp. n. 124, p. 126; idem, *Das Papstwahldekret von 1059 und seine Rolle im Investiturstreit*, *Studi Gregoriani* 7 (1960), esp. pp. 220, 225, 240.

schismatic cardinals supporting Wibert or Clement III. Using other criteria Detlev Jasper estimates that it was written between 1076–1080.⁴ Hans-Georg Krause disputes Jasper's reasoning, leaving the dating open to question. Krause points out that the "forgery" first emerges in the *Liber Beraldi/Chronicon*. He agrees with the consensus that the decree was probably written before that time, but he acknowledges that his and other estimates are only conjectures.

Given the decree's profound consequences not only for regulating papal elections, but also for setting the balance of authority between the papacy and the empire, scholars have meticulously analyzed the manuscripts of both versions. Most of them argue that the authors of the decrees were concerned with politics within the curia or with the relationship between the papacy and the empire. The issue within the curia would have been whether the cardinal bishops should have more authority than the cardinal priests and the cardinal deacons. The issue with the papacy and the empire would have been whether the emperor should have a decisive role in choosing the pope.

Gregory of Catino placed the decree simply within the context of papal electoral reform. He stated that Nicholas II had observed the abuses of past papal elections, and wanted to insure that they would be precluded in the future.⁵ In spite of evidence to the contrary, it can still be asked whether this straightforward objective was not what motivated Nicholas rather than any strategy to favor the cardinal bishops or the emperor. The version of the decree in the *Chronicon* would satisfy this objective, and would not have been controversial if another version of the decree had not appeared. But it can also be asked whether Gregory or one of his brothers might not have fabricated the "forgery" to support Farfa's case in its struggle to maintain its liberties in the arbitration proceedings with the Ottaviani. An emperor with greater influence over papal elections would certainly

⁴ Jasper, *Das Papstwahldekret*, pp. 72, 85, 87–88.

⁵ *Chron.* 2, p. 245; *De varia Romani pontificis creatione*, Munich, Bavarian Staatsbibliothek Clm 147–152; CLM 148, fol. 191v: "Hic quippe Venerandus pontifex [Nicholas II] cum omnia superius denotata optime didicisset, et cognovisset multoties sub maxima intentione, et cleri populi que dissensione plurimes pontificum sedem apostolicam olim subripuisse, et quod deterius est pecuniis eam obtinuisse uel ui saeculari inuassisse, propter pacem et concordiam unitatemque sacerdotalis dignitatis, et fastigium imperiale, generale congregauit concilium, in quo ut cuncta supra commemorata et inique exhibita destruerentur, et nec quicquam eorum a quouis imposterum fieret, hoc sanctum studuit decretum firmissimus statuere."

have been in its interest. The Farfa perspective has generally been overlooked, but should be examined.

In an attempt to grapple with these questions, if not to answer them, I shall first briefly summarize the contents of both versions of the decree.⁶ For purposes of simplicity and neutrality I shall call the "genuine" version, "A", and the other "B". I shall paraphrase version A, but only point out its main differences with version B. I shall then speculate about the authenticity of the two versions, and assess their significance for Farfa.

Two Versions of the Decree

Version A: Because past papal elections have been fraught with abuses, it is important to establish a statute for governing those in the future. Guided by precedents followed by our predecessors, and by the authority of the holy fathers, we decree that first the cardinal bishops should diligently discuss a successor. Soon they should summon the cardinal clerics, and in like manner, the other clergy and people to approve the new election. To forestall any moral improprieties, religious men should move the election forward, and the others follow. Leo I provides guidance. He decreed that bishops be elected by clerics, approved by the people, and consecrated by the surrounding bishops under the direction of the metropolitan. Because popes do not have metropolitans, cardinal bishops take their place, and move the elect forward to the highest point of the apostolic summit.

If possible someone from the same church should be elected. If a suitable candidate cannot be found, he can be chosen from another church, save by the honor and reverence owed to our dear son Henry, presently king, but who, it is hoped, will become emperor. The same consideration applies to Henry's successors, who personally receive this right from the apostolic see. If adverse conditions prevent holding the election in Rome, even though their number may be few, cardinal bishops with religious clerics and catholic laymen may obtain the right to hold an election in a place that they judge to be suitable.

If violence follows the election, and the elect cannot be enthroned, he may nevertheless exercise papal authority. Should anyone violate

⁶ Jasper, *Das Papstwahldekret*, pp. 98–119.

the decree, he, along with his supporters will be subject to a long list of punishments. The grace of God will protect those who observe it. Nicholas and other delegates to the council sign the decree. Only one manuscript, that from Bergamo written in the second half of the twelfth century, records these signatures.⁷

Version B: The first major discrepancy with version A begins with the composition of those delegated to discuss the papal successor. Instead of the cardinal bishops, the cardinals without distinction come together to confer, save by the honor and reverence owed to Henry, who in the present is king, but who, it is hoped, will become emperor. Nicholas asserts that he has already conceded this honor to Henry through the king's mediator, W[ibert], and he promises it to Henry's successors who personally obtain this right from the pope. Without mentioning the other clerics and people, version B states that they [the emperors] may give their consent to the new election. To avoid violence religious men with our most serene king H[enry] shall promote the election, with the others only following. The decree of Leo I is not cited.

If the election cannot be held within the city, even only a few men along with the most invincible king may find a suitable place to hold it. Version B adds a few maledictions to those of version A, and the subscriptions vary somewhat. The most glaring discrepancy is that version A does not include the signature of Hildebrand.

Analysis of the Texts

Both texts acknowledge a role for the emperor, but in almost all recensions of version A it is only minimal. In version B the injunction to select a candidate, "salvo debito honore et reverentia dilecti filii nostri Henrici" applies to regular elections, and occurs at the beginning of the decree.⁸ In version A, however, the admonition does not occur until the middle of the decree where the issue is the case in which a problem arises in finding a suitable candidate within the

⁷ Krause, "Die Bedeutung," pp. 91–92; By contrast with version B, version A (p. 109) has "Ego." "Ego Nicolaus episcopus . . . subscripsi."

⁸ *Chron.* 2, p. 246: "... decernimus atque statuimus, ut obeunte huius Romanae universalis Ecclesiae pontifice, in primis cardinales diligentissima simul consideratione tractantes, salvo debito honore et reverentia dilectissimi filii nostri H[enrici] . . ."

Jasper, *Das Papstwahldekret*, p. 101.

Roman see.⁹ Thus, even this imprecise provision is awkwardly relegated to what seems to be a contingency.

But as in everything to do with the electoral decree, the complexities are infinite. A short form of version A, probably written c. 1135, has many elements in common with version B. A discrepancy is its assertion that the selection of a papal candidate from outside of the Roman see is a matter of judgment rather than an unfortunate necessity. But as evidence for what may have been the stipulations of the original decree, it acknowledges imperial prerogatives exceeding those of full recensions of version A. It replaces the caveat "salvo debito . . ." by a right of agreement (*adsensus*).¹⁰ Toward the end of the decree it repeats that the election is confirmed (*roborata*) by the emperor.¹¹

In this shortened form, as well as in other manuscripts of version A, the right of consent (*consensum*) is given to the clergy and the people.¹² Just the reverse, in version B this right (*consensum*) is given only to the emperor.¹³ The use of so many terms of similar meaning makes the distinction between the prerogatives of the emperor and those of the clergy and people unclear. Only the vague "salvo debito . . ." clause sets him apart, seemingly by giving him a right of veto.

Both versions A and B go on to state that in order that the election be free from venal taint, religious men ("religiosi viri")—to whom version B adds the king—should take the lead in advancing the election,

⁹ Jasper, *Das Papstwahldekret*, pp. 104–105: "Eligant autem de ipsius aeclesiae gremio, si repperitur idoneus, vel si de ipsa non invenitur, ex alia assumatur, salvo debito honore et reverentia dilecti filii nostri Henrici . . ." Krause, "Das Papstwahldekret von 1059," p. 273; Boesch Gajano, "Berardo," p. 771.

¹⁰ *Ibid.*, 120–122; p. 121: "Eligant autem vel de ipsius ecclesiae gremio, si repperitur idoneus, vel de aliena, si utilior iudicatur. Moxque gloriosissimo videlicet regi, qui Deo auxiliante futurus est imperator, sive successoribus eius descripta electio per nuncios innotescat, ipsique per paginaticae sanctionis articulum ad instar Gregorianae vel etiam Ambrosianae promotionis assensum praebeant. Successoribus inquam, si tamen ista studuerint Romanae ecclesiae auxiliores ac defensores existere, ut per eos in vigore sui status ecclesiastica valeat dignitas permanere. Et his tamen imperatoribus hic requiratur adsensus, qui ab hac apostolica sede necnon a clero et senatu ad populo hoc ius consensionis personaliter impetrarunt." Vat. Lat. 1361, fols. 57vb–58va.

¹¹ *Ibid.*, 122: "Plane postquam electio facta fuerit atque imperialibus, ut predictum est, apicibus roborata . . ."

¹² *Ibid.*, 102, 121: "sicque reliquus clerus et populus ad consensum novae electionis accedant . . ."

¹³ *Ibid.*, 102; *Chron.* 2, p. 246: "... [emperors] ad consensum novae electionis accedant."

while the others only follow (“reliqui sequaces”).¹⁴ Identifying the “religiosi viri” and “reliqui sequaces” is key to understanding the texts. In version A the “religiosi viri” are usually interpreted to be the cardinal bishops, and the “reliqui sequaces” the “other cardinals” who join the bishops after they have met to elect the pope.¹⁵ But this interpretation makes no sense for version B, since it does not distinguish among the cardinalate orders.

Equating the “religiosi viri” with the cardinal bishops implies that their task was the same. But since both texts had already prescribed the electoral procedures, it would be redundant to paraphrase these procedures using different nomenclature. Possibly both texts were speaking more generally about the election, and they agreed that, rather than laymen, religious men should initiate the electoral procedures.

Panvinus, the sixteenth century Augustinian canon, who, as we shall see, wrote extensively about the decree, may provide some guidance. In discussing the alleged papal electoral decree of Innocent II in 1139 or 1140 he uses the term, “religiosi homines,” in an inclusive sense. He states that from the time of St. Peter until 1140 the authority and power of creating popes was almost always vested in the cardinals, archpriests, rectors of churches, abbots of monasteries, and other “religious men” who are clerics.¹⁶

The contrast between religious and lay men rather than between cardinalate orders makes sense in the context of papal affairs in 1059. It had primarily been the nobles—not only the Tuscullani, but also the counts of Galeria and the Crescentii—who had taken the initiative in promoting the election of Benedict X on March 29, 1058.¹⁷ Even though Benedict’s consecration pretty much conformed to the

¹⁴ Ibid., version A, pp. 102–103: “. . . ne venalitatis morbus qualibet occasione subripiat, religiosi viri praeduces sint in promovendi pontificis electione, reliqui autem sequaces.” *Chron.* 2, p. 246: “. . . ne venalitatis morbus qualibet occasione subripiat, religiosi viri cum serenissimo filio nostro rege H[enrico] praeduces sint in promovendo pontificis electionem, reliqui autem sequaces.”

¹⁵ Ibid., 101–102: “ut obeunte huius Romanae universalis aecclesiae pontifice inprimis cardinales episcopi diligentissima simul consideratione tractantes, mox sibi clericos cardinales adhibeant, sicque reliquus clerus et populus ad consensum nove electionis accedant . . .”

¹⁶ “A divi enim Petri tempore usque ad annum Christi MCXL Romani Pontificis creandi auctoritas et potestas penes hos ordines fere semper fuit, videlicet cardinales, archipresbyteros, ecclesiarum rectores, monasteriorum abbates et *alios religiosos homines* in clericali constitutos gradu,” Grauert, “Das Dekret Nikolaus II.,” p. 596.

¹⁷ Hüls, *Kardinäle*, pp. 255–256.

guidelines later set down in the *Liber Censuum*, his election was not brought forward by "viri religiosi."¹⁸

In 1087 Deusdedit, cardinal priest of S. Pietro in Vincoli (SS. Apostolorum in Eudoxia), compiled a collection of canons that he dedicated to Victor III (Desiderius). Going one step further than either version of the papal electoral decree, he took the position that the laity should have no part in papal elections.¹⁹ He also opposed the decree of 1059, maintaining that the decree of 769 passed in a synod called by Stephen III should not have been abrogated. It stipulated simply that the candidate must be elected by the Roman clergy.²⁰ Deusdedit declared that his collection conformed to the ancient order of the election and consecration of the pope.²¹

¹⁸ *Liber Censuum* 1, pp. 311–313, *LVIII Quomodo debeat summus pontifex eligi...*; p. 312: "Post hec autem in proxima die dominica electus cum omnibus ordinibus sacri palatii et nobilibus Romanis vadit ad ecclesiam beati Petri, et [ad] altare majus, prout in ordine continetur, ab episcopo Hostiensi specialiter et aliis episcopis de curia consecratur; hoc addito, quod si forte episcopus Hostiensis presens non fuerit, archipresbyter Hostiensis seu Velletrensis interesse debet consecrationi." Since Petrus Damiani as bishop of Ostia refused to consecrate Benedict X, the archpriest of Ostia performed the ritual. Some people saw this substitution as a breach of the norms set down in the *Liber Censuum*. Johannes Haller concludes that in the ensuing chaos, people gradually again turned to Godfrey of Lotharingia. Interestingly, Petrus Damiani became one of Nicholas II's closest advisors. *Das Papsttum*, 2, pp. 586–587, 311–314.

¹⁹ Glanvell, *Die Kanonessammlung Deusdedit*, p. 107, ch. 169: "Si quis pecunia uel gratia humana aut populari seu militari tumultu sine concordia et canonica electione cardinalium et sequentium religiosorum clericorum fuerit apostolicae sedi inthronizatus nec apostolicus set apostaticus habeatur." H. E. J. Cowdrey, *The Age of Abbot Desiderius: Montecassino, the Papacy, and the Normans in the Eleventh and Early Twelfth Centuries* (Oxford, 1983), p. 101.

²⁰ *Lib. Pont.* 1, p. 476; Duchesne reproduces the decree itself, n. 52, p. 483: "... sed a sacerdotibus atque proceribus ecclesiae et cuncto clero ipsa pontificalis electio proveniat." Schimmelpfennig, *The Papacy*, p. 82; Uta-Renate Blumenthal, "Rom in der Kanonistik," pp. 29–39 of *Rom im hohen Mittelalter: Studien zu den Romvorstellungen und zur Rompolitik vom 10. bis zum 12. Jahrhundert*, ed. Bernhard Schimmelpfennig & Ludwig Schmugge (Sigmaringen, 1992), p. 32; idem "Fälschungen bei Kanonisten der Kirchenreform des 11. Jahrhunderts," *MGH Schriften* 33, pt. 2, *Fälschungen im Mittelalter* (Hannover, 1988), pp. 241–262 at p. 257.

²¹ "Oportebat, ut hec sacrosancta domina nostra Romana ecclesia iuxta quod a beato Petro et eius successoribus institutum est, rite ordinaretur et in apostolatus culmen unus de cardinalibus presbiteris aut diaconibus consecraretur." Glanvell, *Kanonessammlung*, p. 268; *Libellus Contra Invasores et Symoniacos* LdL 2:310–311: "tot quippe leguntur prefatas constitutiones suis temporibus statuissse, in quibus non inveniuntur quidquam regiae potestati in pontificum electione seu promotione concessisse; Et quamvis decretum, de quo agimus, a praefatis ecclesiae legibus penitus enervetur, videamus tamen adhuc quid de eo iterum ecclesiae et saeculi leges censeat, ut penitus evacuetur. His itaque decursis, patet prefatum decretum nullius momenti esse nec umquam aliquid virium habuisse." Krause, *Das Papstwahldekret von 1059*, pp. 239–254.

But the decree of 769 was not universally accepted. The Carolingian emperors had not conceded that the clergy alone had the right to regulate papal elections. A constitution promulgated by Lothar in 824 agreed with the decree of 769 that the pope should be elected by Romans, but it included the laity as well as the clergy.²² By using the word “antiquitus,” Lothar may have been implying that his constitution was intended to replace the decree of 769.²³ Certainly the requirements of an oath to be taken in the presence of imperial *missi* and the people, and of imperial ratification were innovations that would have been eschewed by the synod of 769.²⁴

In spite of Deusdedit’s protestations of the validity of the decree of 769, in fact the constitution of 824 was far more widely observed.²⁵ In a synod of 860 or 861 Nicholas I renewed the electoral decree of 769, but at his death the imperial *missi* reclaimed their roles. In a diploma of February 13, 962, Otto I essentially renewed the constitution of 824.²⁶

²² PL 97:459, #3: “Volumus ut in electione pontificis nullus praesumat venire, neque liber neque servus, qui aliquid impedimentum faciat, illis solummodo Romanis, quibus antiquitus fuit consuetudo concessa per constitutionem sanctorum patrum eligendi pontificem. Quod si quis contra hanc iussionem nostram facere praesumpserit, exilio tradatur.”

²³ Duchesne, *L’État Pontifical*, pp. 199–200. Duchesne says that the expression is ambiguous in this context, but clear from the description of the elections in the *Liber Pontificalis* and elsewhere.

²⁴ PL 97:460–462: “. . . et quod non consentiam utiliter in hac sede Romana fiat electio pontificis canonice et iuste, secundum vires et intellectum meum; et ille qui electus fuerit, me consentiente consecratus pontifex non fiat, priusquam tale sacramentum faciat in praesentia missi domni imperatoris et populi, cum iuramento, quale factum habet per scriptum.” Duchesne, *L’État Pontifical*, p. 200.

²⁵ Duchesne, *L’État Pontifical*, pp. 201–203; Eugenius II accepted this imposed reform. In the election of Gregory IV, the first to take place after the constitution of 824, laymen intervened from the first moment. They took part in the deliberations, the choice of the candidate, and the enthronization of the elect in the palace of the Lateran.

²⁶ MGH Diplomata 1:322–327 at p. 326: “in electione pontificum neque liber neque servus ad hoc venire praesumat, ut illis Romanis quos ad hanc electionem per constitutionem sanctorum patrum antiqua admisit consuetudo, aliquod faciat impedimentum, quod si quis contra hanc nostram institutionem ire presumpserit, exilio tradatur. Insuper etiam ut nullus missorum nostrorum cuiuscumque impeditio argumentum componere in prefatam electionem audeat, prohibemus, nam et hoc omnimodis instituere placuit ut qui semel sub speciali defensione domni apostolici sive nostra fuerint suscepti, impetrata iuste utantur defensione, quod si qui in quemquam illorum qui hoc promeruerint violare presumpserit, sciat se periculum vitae suae esse incursum.”

According to Liutprand Otto again regulated papal elections in November, 963. Duchesne, *L’État Pontifical*, n. 1, p. 340: The Romans: “Fidelitatem repromittunt,

The final iterations of the constitution of 824 may have had more of an effect on the decree of 1059 than the electoral decree of 769. Although both versions of the decree of 1059 acknowledged a role for the king, version B made it more specific. It stipulated that the king's wishes were to be honored in elections under any circumstances: a regular election, one in which a candidate must be found outside of the Roman church, and one where the election must take place outside of Rome.²⁷ The vague wording of version A appears to relegate the king's authority only to the second contingency, a constraint that would not make much sense.²⁸

In essence, these are the differences between the two versions of the decree. At the least, analyses of their provisions and judgments about their validity go back to Panvinus in the sixteenth century. As opposed to modern scholars, Panvinus concluded that the version transmitted by Gregory of Catino in the *Chronicon* was the original decree.

hoc addentes et firmiter iurantes numquam se papam electuros aut ordinaturos praeter consensum et electionem domni imp. Ottonis caesaris aug. filiiue ipsius regis Ottonis."

²⁷ *Chron.* 2, p. 246: "quod si . . . ut pura, sincera atque gratuita electio fieri in urbe non possit, licet pauci sint, ius tamen potestatis optineant eligendi apostolicae Sedis pontificem ubi cum invictissimo rege congruentius iudicaverint." For version A, Jasper, *Das Papstwahl*, p. 105: "Quod si . . . ut pura sincera atque gratuita electio fieri in urbe non possit, cardinales episcopi cum religiosis clericis catholicisque laicis, licet paucis, ius potestatis optineant eligere apostolicae sedis pontificem ubi congruentius iudicaverint."

²⁸ Krause states that the role of the emperor is emphasized in version B, but that no new privileges are recognized. The reason for the forgery, he asserts, was not to emphasize imperial rights or the legality of the election of Guibert, but to diminish the prerogatives of the cardinal bishops. He notes forgeries in an alleged council of Nicholas II of April 1060, (MGH Const. 1:549–551 at p. 551) and a general synod (*ibid.*, pp. 546–548 at p. 547) that do not recognize imperial rights at all, but emphasize the prerogatives of the cardinal bishops. *Das Papstwahldekret von 1059*, pp. 239, 245–246.

CHAPTER ELEVEN

PANVINIUS ON FARFA'S VERSION OF THE DECREE

De origine Cardinalium

Panvinus may have been the first scholar to discover that there was more than one text of the decree, and to recognize the momentous political implications of his discovery. In 1555 when he wrote *De origine Cardinalium* he seems only to have known of version A, but by 1563 when he wrote his magnum opus, *De varia Romani pontificis creatione*, he definitely knew of both versions. Adducing outside evidence, he concluded that version A was a forgery. Since he identified the manuscripts of version B with which he was working as originating at Farfa, his reasoning is especially pertinent.

In *De origine Cardinalium* he asserts that Nicholas II was the first pope who tried to put papal elections in the hands of the cardinals.¹ A few sentences later he states that in the council [of 1059] it was decreed that the pope could not be elected without their primary consent. He asserts that along with the participation of the other clerics and people, they played the primary role in the creation of the pope. They were the actual authors, he concludes, and indeed, almost the whole election depended upon their authority.² He notes that shortly after the promulgation of the decree the authority of the clerics and the people was in large part taken away because of continuous sedition. Conversely, the authority of the cardinals grew. Under Innocent II the clerics and laymen were relieved of their power, he

¹ *De origine Cardinalium*, ed. Angelo Mai, *Spicilegium Romanum* 9, pp. 495–504; p. 495: “Deinde sub Nicolao II, qui electus fuit anno MLIX, multis in locis apud omnes scriptores de Cardinalibus sermo fit, cum ipse Nicolaus II. primus fuerit qui sanctae romanae ecclesiae Cardinalibus Pontificis electionem dare conatus sit, eosque multis privilegiis decoraverit.”

² *Ibid.*: “Hoc tamen verum est ipsum Nicolaum II. inter omnes pontifices Romanos primum fuisse, qui aliquid decoris aut maiestatis cardinalibus Romanis contulerit, atque in concilio statuerit, omnino absque eorum primario consensu Pontificem Romanum eligi non posse; utque illi non tantum in eius creatione primas partes haberent cum reliquo clero et populo, verum etiam eius creationis auctores essent, ac fere tota electio ab eorum auctoritate penderet.”

states, and the cardinals with the help of certain neighboring bishops were granted the authority of electing the pope.³

In discussing the decree of Nicholas II Panvinus mentions neither the emperor nor the cardinal bishops, but he notes that it stipulated that the clergy and people participate in a minimal way. Closely following Gratian's redaction of version A, he becomes more precise when he recapitulates the decree's high points.⁴ He states that the cardinal bishops discuss the nomination, and that soon they call in the cardinal clerics. The people and the clergy consent to the election.⁵ Since the papacy has no metropolitan, cardinal bishops function in his stead, advancing the pontifical elect to the acme of the apostolic summit for consecrating.⁶ If the election cannot be held within the city, cardinal bishops along with religious clerics and catholic laymen may select a suitable place.⁷ Even though version A does provide a role for the emperor, Panvinus does not mention it in his recapitulation.

Later Panvinus characterizes the bishops of the cities around Rome who participate in the creation of the pope as cardinal bishops, who, like the cardinal priests and deacons of the Roman church, are foremost in their order.⁸ They hold first place after the pope himself, he

³ Ibid.: "A quo postea tempore paulatim in creando Pontifice romano reliqui cleri et populi auctoritas propter continuas seditiones mirum in modum imminuta fuit, et contra Cardinalium adeo crevit, ut non longe post, scilicet sub Innocentio II, lege lata atque confirmata, omnis eligendi potestas, quibusdam episcopis finitimis adiectis, reliquo clero et populo exclusis, omnino ad solos Cardinales devenerit."

⁴ Ibid., 496. After speaking of the election of Gregory VII he states: "Decreti autem supradicti Nicolai papae II. tenor est qui sequitur." *Decretum Magistri Gratiani*, ed. Friedberg, D. XXIII, c. 1, pp. 78-79.

⁵ Ibid.: "... Quapropter instructi praedecessorum nostrorum aliorumque sanctorum patrum auctoritate, decernimus atque, statuimus, ut obeunte huius romanae ecclesiae universali Pontifice, in primis Cardinales episcopi diligentissime simul de electione tractantes, mox Christi clericos Cardinales adhibeant, sicque reliquus clerus et populus ad consensum novae electionis accedunt; ..."

⁶ Ibid.: "Et paulo post. 'Sed quia sedes apostolica cunctis in orbe terrarum praefertur ecclesiis, atque ideo super se metropolitanum habere non potest, Cardinales episcopi procul dubio metropolitani funguntur, qui videlicet electum Pontificem ad apostolici culminis apicem provehant consecrandum.'"

⁷ Ibid.: "Et postea. 'Quod si paucorum atque iniquorum hominum ita perversitas invaluerit, ut pura sincere atque gratuita fieri in urbe non possit electio, Cardinales episcopi cum religiosi clericis catholicisque laicis, licet paucis, ius potestatis obtineant eligendi apostolicae sedis Pontificem ubi congruit.'"

⁸ Ibid., 502: "... ut creationi quoque romani Pontificis nonnulli finitimarum civitatum episcopi interessent: hique Cardinales episcopi, ad presbyterorum diaconorumque Cardinalium romanae ecclesiae instar appellati sunt, idest primarii et principales."

asserts, and along with the other cardinals of the Roman church, the clerics, the senate, and the Roman people, they elect the pope. In fact, he claims that they play the most important role.⁹ Panvinus says that he has not found any reference to cardinal bishops before the reign of Nicholas II, but he assumes that they no doubt existed prior to the council of 1059.¹⁰

When Panvinus later returns to a discussion of the council, his comments somewhat obscure the stipulations of the decree. He states that the power of electing popes lay in the hands of the cardinals, and that the other clerics and people were excluded.¹¹ Also, he asserts that the role of the emperor was greatly diminished or removed.¹² He concludes that the result of the decree was that the power of the cardinals became greater than it had ever been before.

This assessment seemed to conclude his discussion of the decree, but he then unexpectedly returned to the electoral procedures. Implying that he had meant that the clerics and people were excluded from voting, but not from the whole process, he states that they did have the right to give their assent to the election.¹³ Also, by not

⁹ Ibid.: "His cum reliquis romanae ecclesiae Cardinalibus, clero, senatu, populoque romano, auctoritas primaria creandi romanum Pontificem data est. His etiam primus locus post Pontificem maximum in ecclesia latina datus est, atque ut ob tantum munus et excellentiam merito cardinales episcopi vocari possint et debeant. Sicut enim presbyteri et diaconi romanae ecclesiae Cardinales, ceteris totius orbis presbyteris et diaconis praesunt, et in creatione Pontificis primas partes habent."

Friedrich Kempf notes that the neighboring bishops had participated in papal elections, but without formal authority. The purpose of the electoral decree, he states, was to create this authority, and to put the electoral procedure in the hands of the upper hierarchy of the church. He argues that in 1058 there was a kind of vacuum in electoral authority, and that the cardinal bishops were the obvious choice to fill it. "Petrus Damiani und das Papstwahldekret von 1059," *Archivum Historiae Pontificiae* 2 (1964), 73–89 at pp. 77–81.

¹⁰ Ibid., 503: "Ante Nicolaum II. Pp. cuius decretum synodale supra retulimus nullam episcoporum cardinalium mentionem fieri inveni. . . . At dubium non est, quin haec episcoporum Cardinalium appellatio, antiquior fuerit ipso Nicolao II."

¹¹ Ibid., 504: "Primus quod sciam post Stephanum III. Nicolaus II. cardinalibus aliquid decoris, maiestatis, auctoritatisque adiunxit. Is enim post grave schisma in Romana ecclesia Pontifex maximus anno Christi MLIX, concilio et auctoritate Hildebrandi sanctae Romanae ecclesiae archidiaconi [sic], pulso sedis apostolicae invasore Benedicto X, renunciatus, concilio eodem anno apud Lateranum CXVIII episcoporum habito, primus potestatem eligendi Romanum pontificem ad cardinales tantum Romanae ecclesiae, reliquo clero populoque exclusis, reducere tentavit, gravissimarum scilicet et diutinarum seditionum schismatum et scandalorum in omni nova pontificum Romanorum creatione orientium pertaesus . . ."

¹² Ibid.: "simulque, ut imperatorum potentiam qua in creatione Romani pontificis quandoque abutebantur, omnino aut tolleretur aut imminueretur."

¹³ Ibid.: "Verum cum res nova ab optimo Pontifice tempore fortassis incongruo

distinguishing between cardinal bishops and cardinal clerics, he does not necessarily signify that he was not following version A. Rather, this distinction may not have loomed large in his mind until he discovered version B.

De varia Romani pontificis creatione

By 1563 when he wrote *De varia Romani pontificis creatione*, Panvinus clearly knew of both texts, and had concluded that version B was the original.¹⁴ His arguments then, as now, must not have been broadly disseminated, for in his dedication to Baron Johann Jacob von Fugger he states that he deemed it inadvisable to publish this, his most ambitious work.¹⁵ He does not reveal his reason, but says that it was very grave (*gravissimas*).

Before discussing the decree Panvinus describes the elections of Benedict X and Nicholas II. He reports that without consulting the king and the princes, but supported by people who had been corrupted by money, Benedict had invaded the Lateran. In the meantime the Roman princes sent a message to the king promising him the same fidelity that they had shown to his father [Henry III], and requesting that he transmit the name of his choice for pope. After consulting with his advisors, Panvinus continues, the king chose Gerard, bishop of Florence, who was also agreeable to the Germans and the Romans. He designated Duke Godfrey to accompany Gerard to Rome. In this way, Panvinus summarizes, Benedict, who had

tentata parum illi prospere successisset, hoc tamen effecit, ut sanctae Romanae ecclesiae cardinalium potentia et auctoritas plenior ac maior quam antea fuerat, evaserit; ut iam parum ceterorum cleri ordinum populique suffragia valida essent, vel nihil firmitatis haberent, nisi cardinalium auctoritas primario quodam iure plenioreque quam antea fuerat, intercessisset, ita ut revera illi tantummodo eius rei auctores haberentur, licet cleri reliqui populique suffragia ad eorum potius satisfactionem quam ad necessitatem expetarentur." Grauert, "Das Dekret Nikolaus II." pp. 591–592.

¹⁴ Grauert believes the reason that Panvinus concluded that version B was genuine was that he became an arch imperialist in his later years. "Das Dekret Nikolaus II.," p. 594, & n. 1.

¹⁵ *De varia Romani pontificis creatione*, Munich, Bavarian Staatsbibliothek Clm 147–152; Clm 147, fol. 3r: "gravissimas ob causas ab eo publicando desistam." Grauert, "Das Dekret Nikolaus II.," n. 4, p. 592; Grauert transmits Panvinus' analysis in appendices entitled "Das Urtheil des Onuphrius Panvinus über die verschiedenen Fassungen des Papstwahldekretes von 1059," pp. 590–594 and "Ein angebliches Papstwahlgesetz von 1139," pp. 595–600.

usurped the throne without the order of the king and the princes, was rejected, and Gerard obtained the papacy as Nicholas II.¹⁶

Even though Panvinus describes events subsequent to the election, but prior to the council of April 1059, he alerts the reader to the importance of the papal electoral decree by setting it off with a heading immediately following his description of the election:

Decretum Nicolai II. papae circa
Romani Pontificis Electionem¹⁷

Under this rubric Panvinus first relates that Nicholas stayed out of Rome until Hildebrand, whose authority was at its highest, had composed things there. With the approach of the Easter festivities, Nicholas returned to Rome, where he created Hildebrand archdeacon as a reward for his efforts. In the same sentence announcing Hildebrand's promotion, Panvinus states that after Easter had been celebrated, Nicholas summoned a general council at the Lateran.¹⁸ The chronology is important, because in the list of signatures of version B Hildebrand entitles himself monk and subdeacon. Even though Panvinus mentions the promotion before describing the council, it is not certain that he intended to imply that Hildebrand had already been created archdeacon at the time of the council.

Panvinus reports that among the many measures brought forward for confirmation at the council was a canon for papal elections drafted to avoid future schisms of the sort created by Benedict X.¹⁹ He states that he has excerpted a true and non-corrupted text of the decree

¹⁶ Clm 148, fols. 98v–99r. “Interim Romani principes satisfactionem ad Regem mittunt se, scilicet fidem, quam patri dedissent, filio, quoad possent, servaturos, eoque animo vacanti Romanae sedi pontificem usque ad id tempus non subrogasse, eius magis super hoc expectore sententiam, orantque sedulo, ut quem ipse velit, transmittat. Nihil eius ordinatione obstante, se quis non per legitimae electionis ostium, sed aliunde ascendisset in ovium ovile. Rex habita cum primoribus deliberatione, Gerardum Florentinum Episcopum, in quem et Romanorum et Teutonicorum studia consenserant, pontificem designate, Romamque per Gotefridum ducem transmittit. Ita Benedicto, qui iniussu regis et principum sacerdotium usurpaverat, reprobato, Gerardus, qui et Nicolaus II, pontificatum obtinuit.”

¹⁷ Ibid., fol. 99r.

¹⁸ Ibid., fols. 99r–99v: “Instantibus Paschalibus feriis omnibus ex sententia compositis ab Hildebrando Romana revocatum ipsum in premium bene curati negocii Romanae sedis Archidiaconum creavit, sancto Paschali die celebrato Laterani concilium generale congregavit . . .”

¹⁹ Ibid., fol. 99v: “ubi inter reliqua multa quae ad bonum ecclesiae statum confirmandum spectabant, ut schismatibus, quae forte oriri in posterum possent obviam iretur canonem, sive novam regulam de electione Romani pontificis eddit, occasione accepta a schismate Benedicti X . . .”

from an extremely ancient book written more than five hundred years ago in almost maiusculæ Lombard letters. He asserts that this book was written at the time in which all things pertaining to the abbey and monastery of Farfa were described. He states that it dealt with the number of abbots, papal and imperial privileges, possessions (*bona mobilia*), and several other subjects of a similar nature.²⁰

In part repeating himself, he states that he possesses an example of the decree *ex antiquissimo libro et huius forte concilli tempore scripto*.²¹ His estimation of the date of the book is ambiguous, depending upon his meaning of "forte." He could have meant "by chance," or "as it turned out," but he could also have meant the more vague, "perhaps." The previous dating of the book as five hundred years old, its description as being written in almost maiusculæ letters, and a comparison of manuscripts that I shall make appear to preclude the *Chronicon* as his source.

Panvinius vouches for his source, contending that it was consistent with the history of the time. He asserts that this was especially so in its clause attributing the authority of electing the Roman pontiff to the emperor, at that time king Henry [IV]. Then refining his assertion, he states that rather, the decree confirmed the authority previously enjoyed by the emperor's father [Henry III]. He adds that as one can see for oneself, the decree also included details for avoiding a schism.²²

Panvinius charges that although the decree in *distinctio XXIII cap. "in nomine"* of Gratian was reproduced under the name of Nicholas, that in fact it was a corruption fabricated by Gregory VII or Victor III. He then argues vigorously that the text that he now possesses was the original. Nicholas, he said, had handed over the authority of electing the pope to Henry IV, but Henry's authority

²⁰ Ibid., fol. 99v: "cuius decreti exemplum verum et non corruptum excrepsi ex vetustissimo libro, in membranis litteris paene maiusculis et Longobardis, ante quingentos fere annos, hoc videlicet tempore scripto, in quo tractantur omnia quae ad Abbatiam et monasterium Farfense pertinent, ut Abbatum illius monasterij numerus, privilegia omnia tam pontificalia quam imperialia, bonaque mobilia et eiusmodi complura."

²¹ Ibid.: "Hoc autem idcirco annotare placuit quod huius decreti exemplum quod ex antiquissimo libro et huius forte concilii tempore scripto habui . . ."

²² Ibid.: "... verum et Germanum est, historiaeque et rerum narrationibus maxime consentaneum in quo auctoritatem eligendi Romanorum pontificum Imperatori tunc Regi Henrico tribuit vel potius patri suo tributam confirmat, quibusdam additis ad praecavenda schismata, circumstantiis, ut in ipso videri potest."

differed from that enjoyed by his father, Henry III, in one respect: the authority of electing was transmitted to the cardinals.²³

What Panvinus must mean here is that the emperor had an overall authority for assuring the election of a worthy candidate ("salvo debito honore et reverentia dilectissimi filii nostri Henrici"), but that the cardinals carried out the actual election. It was not under Nicholas, Panvinus asserts, but under Gregory that synods deprived the emperor of the authority of electing the pope. It was therefore to the time of Gregory or Victor, not to that of Nicholas, that the corrupted version of the decree applied, he concludes.²⁴

As further evidence of the authenticity of version B Panvinus submits a debate over papal elections between Desiderius, abbot of Montecassino, and the bishop of Ostia, who would have been Oddo, the future Urban II. A certain Guido recorded the proceedings in the *Chronicon* of Montecassino.²⁵ At the time Desiderius—the future

²³ Ibid., fols. 99v–100r: "Nam quod in decreto Gratiani distin. XXIII. cap. in nomine sub Nicolai II. papae nomine circumfertur, omnino correptum est et inversum neque ulla ratione a Nicolao II. factum, quamquam ex Nicolai decreto a Gregorio VII. vel Victore III. excerptum sit, rei tamen omnino forma mutata. Nicolaus enim in suo auctoritatem eligendi papam tradit Henrico IV., ut pater suus habuerat Henricus III., in illo vero Henrico IV. ablata traditur auctoritas eligendi cardinalibus."

²⁴ Ibid., fol. 100r: "Fuit igitur decretum illud mutuatis ex Nicolai decreto omnibus fere verbis, verum sententia mutata editum a Gregorio VII. vel Victore III., quo tempore ex Gregori VII. constitutionibus synodalibus, ut paulo post ostendam, auctoritate eligendi Romanum pontificem privatus fuerat Imperator. Vel ab alio historiae imperito confictum, et tanquam suis temporibus usui repugnans, corruptum."

Grauert rejects Panvinus' conclusion, and asserts that Panvinus was referring to the prohibition of lay investiture rather than to papal elections. "Das Dekret Nikolaus II.," n. 1, p. 594. But Panvinus states that Gregory tried to exclude the emperor from both papal elections and investitures. Clm 148, fol. 126v: "Anno vero MXXC. pontificatus VII Gregori VII. pontifex Laterani concilio multorum episcoporum et abbatum in quadragesima congregato, Henrico Rege bellis Germanicis implicito, quum ipsum nulla ratione ex hostium Germanorum manu evasurum sibi persuaderi posset, quod diu ante agitaverat aliquotque decretis ante sensim praenotaverat tunc primum aperte evomuit. Constitutionem illam enim tunc primum edidit qua Imperatorem non solum auctoritate instituendi Romanum pontificem, quam trecentis prope annis ante praedecessores sui habuerant, sed et omnibus etiam ceterorum sacerdotiorum investituris, privare conatus est, omnemque episcoporum et abbatum instituendorum rationem ad electionis capitulorum et monachorum formam reduxit. cuius decreti exemplum sequens est" The rest of the line is blank, and may have been intended for the beginning of the decree on papal elections.

Speaking of Gregory VII in his magisterial history of church councils Charles-Joseph Hefele states: "dès qu'il paraît dans l'histoire, nous le voyons occupé à défendre la liberté des élections pontificales; c'était un acheminement pour défendre ensuite la liberté de l'Eglise." Hefele/Leclercq, *Histoire des Conciles* 5:1, p. 69.

²⁵ MGH SS 34:432–433, cap. 50; In 1137 Petrus Diaconus revised and extended the *Chronicon*. Krause, *Das Papstwahldekret von 1059*, pp. 232–233.

Victor III—was cardinal priest of Santa Cecilia, and Gregory VII's legate to Henry IV.²⁶

The disputation was held in the presence of Henry IV with other bishops and imperial ministers present. Panvinus reports that the faction supporting Gregory VII stated that participation in the election of popes was taken away from the emperor because it was contrary to the canons and the writings of the Holy Fathers. The bishop of Ostia responded for the other side, advancing arguments that Panvinus saw as exposing Gregory's chicanery.

The bishop stated that in the council celebrated by Nicholas it was decreed that the Roman pontiff could not be created without the authority of the emperor. Panvinus emphasizes that along with one hundred and twenty five bishops, archdeacon Hildebrand had signed the decree. He notes that Hildebrand, who at that time was in minor orders, would later become Gregory VII. The decree has disappeared from the register, he adds, but he states that he had been able to obtain a copy.²⁷

²⁶ Clm 148, fol. 100r: "Quod etiam confirmatur ex disputatione illa Desiderii abbatis Cassinensis et tum presbyteri cardinalis tituli sanctae Caeciliae ac Gregorii VII. legati ad imperatorem Henricum IV. qui postea fuit papa Victor III. eiusdem Gregorii VII. immediatus successor, quam habuit coram imperatore ipso cum Ostiensi episcopo de apostolicae sedis dignitate et cum ceteris episcopis et ministris imperatoris super electione Romani pontificis." Grauert, "Das Dekret Nicolaus II.," p. 594: "Quae omnia libro III. Leonis Ostiensis episcopi in historia Cassinensi capite XLIX. diffuse continentur." The number of the chapter, in fact, is L. This debate is widely discussed in the literature on the papal electoral decree. Stürmer, "Salvo debito," pp. 54–55; Cowdrey, *The Age of Abbot Desiderius*, p. 241.

Krause asserts that both sides interpreted the electoral decree as granting the emperor a decisive role, but the debate appears to be an exception. *Das Papstwahldekret von 1059*, p. 233: "Das Pwd war für Gregorianer wie für Antigregorianer nichts anderes als ein Dokument, das dem Kaiser eine entscheidende Einflussnahme auf die Papsterhebung, und zwar dasselbe Recht, das schon Heinrich III. gehabt hatte, zugesteht: Das ist die Rolle, die dem Pwd im Investurstreit zufiel; das ist dieselbe Rolle, die es schon im Schisma des Cadalus gespielt hatte; in dieser Funktion ist das Pwd historische wirksam geworden; darin liegt also recht eigentlich seine historische Bedeutung."

²⁷ Ibid.: "Nam cum Gregorius VII. et eius factio electionem Romani pontificis tanquam contra canones et sanctorum patrum tradita ab imperatore eripisset, cuius partis fautores quorum princeps erat Ostiensis episcopus inter cetera argumenta, quae Gregorio VII. obiiciebant, illud summum erat, quod in concilio Lateranensi proximo a Nicolao II. celebratum statutum fuerat per suum imperatori concessum privilegium, ut non sine imperatoris auctoritate Romanus pontifex creatur, quod si fieri contigisset, sciret se huiusmodi non pro papa habendum sed anathematizandum, cui decreto etiam Hildebrandus archidiaconus post papa Gregorius VII. tunc in minoribus constitutus cum episcopis CXXV subscripserat, quod de illo decreto quod est in registris minime dici potest, sed bene de isto quod ego nunc attuli." Grauert,

Continuing to recapitulate the account in the *Chronicon* of Montecassino, Panvinus stresses that Desiderius never denied the bishop of Ostia's allegations. Panvinus knew that Desiderius had signed the decree, and that he could have contested Oddo's characterization of it had it been at variance with his own recollection. Tacitly accepting Oddo's characterization, Desiderius took a different tack. According to the *Chronicon* of Montecassino he charged that neither Nicholas II nor any other pope could promulgate decrees detracting from the liberties of the church. If Nicholas did this, Desiderius argued, it was done unjustly, and the church should not suffer from such folly and temerity. One ought not to assent to such a decree, Desiderius admonished, emphasizing that a Roman pope should not be ordained at the will of the German king.²⁸

Satisfied that he has made his point that Desiderius knew nothing about a "papal" version of the electoral decree, Panvinus states that in order that the two texts might be understood, he would cite both of them, first the true original, and then the corrupted text found in Gratian.²⁹ Thereupon he recorded the texts in that order, including the signatures to the text that he believed to be the original found in the ancient manuscript from Farfa.³⁰ In conclusion he

"Das Dekret Nicolaus II.," pp. 593–594. Some texts state that the number of bishops was 113.

²⁸ Ibid., fols. 100r–100v: "Quam rem Desiderius numquam negavit sed respondebat, neque Nicolaum II. neque alium Romanum pontificem suis decretis praeiudicium aliquod ecclesiasticae libertati facere potuisse. Insuper neque Archidiaconum neque Episcopum aliquem seu Cardinalem vel quemlibet omnino hominem licite facere id potuisse. Sedes enim, aiebat, apostolica est domina nostra, non ancilla nec alicui subdita sed omnibus praelata et ideo nulla omnino ratione sub iugo a quoquam mitti potest. Quod si a Nicolao papa factum est, iniuste profecto ac temerarie presumptum est. Non tamen cuiusquam stultitia ac temeritate amittit ecclesia dignitatem suam, neque vos (dicebat ad illos) assentire ulla ratione debetis, neque favente Deo ultra continget, ut ex Alamani regis nutu Papa Romanus ordinetur etc. Quae omnia libro III. Leonis Ostiensis episcopi in historia Cassinensi capite XLIX [actually, ch. LJ. diffuse continentur." Grauert, "Das Dekret Nicolaus II.," p. 594.

²⁹ Ibid., fol. 100v: "Haec autem ut facilius intelligantur utriusque decreti exemplum subiiciam et primum germani et veri, deinde adulterini et corrupti, atque in decretis perverse, ut pleraque alia a Gratiano registrati." Grauert, "Das Dekret Nicolaus II.," pp. 592–594.

³⁰ Ibid., first text, fols. 100v–103r; second text, fols. 103v–104v. Jasper (p. 92) mentions that Panvinus transmits the decree of Gratian; he notes (p. 93) the "forged" version under the mss of the lost codex of the Praemonstratensian monastery of Floreffe, and (p. 94) the *Chronicon Farfense*. He discusses the mss associated with Farfa, pp. 14–15, & ns. 52–54; in the *Decretum*, Dist. 23, c. 1, pp. 77–79. He states (n. 54, p. 15) that for Dist. 23, c. 1 the *Correctores Romani* of the sixteenth century seem to have used the Panvinus text of Clm 148, fols. 94r–104v. He notes that they follow

states that these two versions of the decree bear out what he has said about them.³¹

Liber Beraldi

Panvinus transmits version B a second time in the *Liber Beraldi*.³² He testifies that he extracted the *Liber* from a book of *res gestae* of the monastery of Farfa written over four hundred years ago.³³ With two crucial exceptions, his description of his source resembles his description of the source he used for the papal electoral decree that he copied into *De varia Romani pontificis creatione*. The exceptions are the writing in almost maiuscule Lombard letters, and the age of the codex—five hundred years for *De varia*, and more than four hundred for the *Liber Beraldi*. The age of the latter is consistent with the date of the *Chronicon*.

With minor changes the decree from the *Liber Beraldi* conforms to the decree reproduced in the *Chronicon*. The decree transmitted in *De varia*, however, differs substantially from the recension copied in *Liber Beraldi*, and ipso facto from recension in the *Chronicon*.³⁴ The variants

Panvinus almost word for word; the *Correctores* refer to a text written pene *quingentos* years ago, which is the text on 99r–104v; Panvinus (fol. 185r) describes the “*Liber Beraldi*” as *cccc* years old.

³¹ Ibid., fol. 104v: “Satis igitur quod de his duabus constitutionibus synodalibus dixi manifestum est.”

³² Clm 148, fols. 191v–193r of F. BERNARDI MONACHI ET ABBATIS MONASTERII FARFENSIS LIBER, fols. 186r–196v; Grauert, “Das Dekret Nikolaus II.,” p. 507. Jasper, *Das Papstwahldekret*, p. 94.

³³ Clm 148, fol. 185r: “Hunc vero tractatum excepi ex antiquissimo, et ante *cccc*. annos scripto libro monasterii Farfensis, in quo omnium eius monasterii abbatum *res gestae* per singulas aetates referuntur.”

³⁴ Both Jasper and Heinzelmann note the variants in the decrees transmitted in the *Chronicon* and in the *Liber Beraldi* edited by Panvinus, but neither of them compares the decree in the *Liber Beraldi* with Panvinus’ recension from the 500 year old manuscript found in Clm 148, fols. 100v–103r. These are the most prominent variants. fol. 100v, l. 16: Nicolao II. papa apostolico; fol. 191v, l. 14: Nicolao apostolico; fol. 100v, l. 19: venerabilis pontifex; fol. 191v, l. 17: Venerandus pontifex; fol. 100v, l. 22: Christi membra; fol. 191v, l. 19: membra Christi; fol. 100v, ls. 22–23: Stephano predecessore; fol. 191v, l. 20: Stephano decessore; fol. 101r, l. 12: successoris; fol. 192r, l. 9: successorem; fol. 101r, ls. 12–13: personaliter hoc ius impetraverit; fol. 192r, ls. 9–10: personaliter impetraverit; fol. 101r, l. 15: Henrico; fol. 192r, l. 12: rege Henrico; fol. 101r, l. 19: in urbe electio; fol. 192r, l. 16: electio in urbe; fol. 101r, l. 20: ius tamen potestatis obtineant, eligendi; fol. 192r, l. 17: ius tamen obtineant eligendi; fol. 101v, l. 8: et sequaces; fol. 192v, l. 4: et sequacibus; fol. 101v, l. 9: subiaceat; fol. 192v, l. 5: subyiciatur; fol. 101v, l. 10: super eo; fol. 192v, l. 6: super

indicate that Panvinus was copying from two different manuscripts, but there is reason to question his estimation of their dates. A codex written somewhat less than one hundred years before the *Chronicon* would have been written before the council of 1059 in which the decree was promulgated.

A prominent variant in the two recensions is the signature of Nicholas.³⁵ Whereas the version in *De varia* merely testifies that Nicholas signed the decree, the version in the *Liber Beraldi* reproduces Nicholas' first person declaration that he signed the decree. Panvinus does not indicate whether the decree in the *Liber Beraldi* contained other signatures, but at least he does not reproduce them. However, the section of the *Chronicon* coinciding with the *Liber Beraldi* does reproduce them. A comparison between them and those recorded in *De varia* reveals vast differences, further reinforcing the conclusion that they originated from different manuscripts. The spellings vary widely, and even the order sometimes differs. For example, Giselbertus Tusculanus is one of the last bishops to be listed in the *Chronicon*, but as Gilbertus Tusculanus he is one of the first listed in *De varia*.

In the *Chronicon* the number of Roman bishops is summarized as .IIII. with V written above the line.³⁶ The correct number is five, but the summary at the end of the decree only counts four, tabulating the total number of bishops as .LXXVI.³⁷ The same summary in *De varia* correctly lists seventy seven bishops.³⁸ The summaries also have other slight variations. The *Chronicon* precedes its summary with the sentence: "hi omnes confirmaverunt." It also reproduces a more expansive description of Hildebrand. Whereas *De varia* lists only "Hildebrandus subdiaconus et alii subdiaconi," the *Chronicon* states:

hoc; fol. 101v, l. 10: aliquando reservetur; fol. 192v, l. 6: aliquando ei reservetur; fol. 101v, l. 15: extitit; fol. 192v, l. 11: extituerit; fol. 101v, l. 16: statutum aliquid tentaverit; fol. 192v, l. 12: statutum tentaverit; fol. 101v, l. 20: et futura; fol. 192v, l. 16: et in futura; fol. 101v, ls. 22–23: commoveatur; fol. 192v, l. amoveatur; fol. 102r, l. 2: omnipotentis dei; fol. 192v, l. 22: Dei omnipotentis; fol. 102r, l. 4: vinculis eum absolvat etc; fol. 192v, l. 24: vinculis absolvat.

³⁵ Fol. 102r, lines 5–6: Nicolaus Episcopus sanctae sedis Catholicae atque apostolicae Romanae Ecclesiae huic decreto a nobis asserto et legitime promulgato; fols. 192v–193r, lines 25, 1: Ego Nicolaus Episcopus sanctae catholicae et apostolicae Romanae Ecclesiae huic decreto a nobis sicut supra legitur promulgato subscripsi etc.

³⁶ Farfa 1, fol. 358 A; *Chron.*, p. 247.

³⁷ Ibid., fol. 358 B.

³⁸ Clm 148, fol. 103r: "Episcopi omnino LXXVII"

"subdiaconus Hildebrandus monachus, et ceteri subdiaconi Romanae Ecclesiae et multi alii catholici confirmaverunt."³⁹

The totality of these variants decisively demonstrates that Panvinus used two different codices from Farfa as his sources. The most plausible conclusion is that the *Chronicon* was one of them. By omitting a few lines Panvinus or another appears to have fashioned the *Liber Beraldi* from Gregory of Catino's description of the arbitration proceedings between Farfa and the Ottaviani.

The codex used as the source for the decree in *De varia* is unknown. From Panvinus' description it sounds as though it could be the *Regestum*, but Gregory of Catino was not even born until 1060, and Panvinus testifies that the codex was written about the time of the Council of 1059. Moreover, Scheffer-Boichorst to the contrary, the decree is not transmitted in the *Regestum*.⁴⁰ Had Panvinus possessed a collection of documents predating the period in which Berard II was dissipating Farfa's property, Gregory of Catino would not have had to start from scratch to compile the *Regestum* to substantiate Farfa's rights and possessions. Since there are no historical traces of such a codex, Panvinus' source remains a mystery.

If, however, the text of the papal electoral decree in *De varia* did originate shortly after the council of 1059, it would be the oldest text in existence. It has been suggested that Panvinus defended this text because of his conversion to imperialist sympathies during the last years of his life.⁴¹ Let us examine his arguments to see if they reflect this bias, or if they stand on their own.

³⁹ Ibid.; Farfa 1, fol. 358 B; *Chron.*, p. 248.

⁴⁰ Scheffer-Boichorst, *Die Neuordnung der Papstwahl*, pp. 20, 116; Scheffer-Boichorst declares that it is the first reproduction of the forgery. He never cites the reference nor attempts to explain the discrepancy between Panvinus' description of the age of the manuscript he is using and the time of the completion of the *Regestum*. The *Regestum* contains documents written long after 1059, and could not be described as being written about that time.

⁴¹ Grauert cites Panvinus' response to decrees of Gregory VII over lay investiture of bishops. "Das Dekret Nikolaus II.," n. 1, pp. 594-595: "His autem decretis in duobus potissimum maiestas et Romani imperii dignitas evertetur et quod longe peius erat ea fundamenta iaciebantur quibus Romani imperii potestas omnino labefactaretur." Grauert's citation is Clm 148, fol. 127r. The passage does not exist there, but it may be on fol. 127v, of which I do not have a photocopy.

CHAPTER TWELVE

THE DECREE IN THE *CHRONICON*: A FORGERY?

Panvinus adduced only one piece of outside textual evidence, the debate between Desiderius and the bishop of Ostia, to prove that version B of the papal electoral decree was authentic. Since then, armed with a vast array of texts, scholars have generated the most subtle and refined arguments to demonstrate that one or the other version was genuine. Most of them now reject Panvinus' judgment, but they also contest one another's conclusions.¹

The encyclical that Nicholas II allegedly wrote to the bishops and all other clergy after the council of 1059 is the first document relevant to the decree, and a case in point.² It supports the validity of version A, but some scholars have questioned its value as evidence.³

¹ One of the most recent defenders of this position is Uta-Renate Blumenthal, "Rom in der Kanonistik;" idem "Fälschungen bei Kanonisten;" Wolfgang Stürner, "Das Papstwahldekret von 1059 und seine Verfälschung: Gedanken zu einem neuen Buch," MGH Schriften 33, pt. 2 *Fälschungen im Mittelalter* (Hannover, 1988), pp. 157–190; In his analysis of Jasper, pp. 169–170 Stürner shows inconsistency in designations of Hildebrand as subdeacon and archdeacon after the Council of April, 1059; p. 175, states that Hildebrand was archdeacon in April. Stürner never questions which version of the decree was the forgery; idem, "Das Papstwahldekret von 1059 und die Wahl Nikolaus' II.," *Zeitschrift der Savigny Stiftung für Rechtsgeschichte* KA 59 (1973), 417–419; idem, "'Salvo debito honore et reverentia.' Der Königsparagraph im Papstwahldekret von 1059," *Zeitschrift der Savigny Stiftung für Rechtsgeschichte* 86 KA 54 (1968), 1–56; Rudolf Schieffer, "Rechtstexte des Reformpapsttums und ihre zeitgenössische Resonanz," pp. 51–69 of *Ueberlieferung und Geltung normativer Texte des frühen und hohen Mittelalters*, ed. Hubert Mordek, vol. 4 of *Quellen und Forschungen zum Recht im Mittelalter* (Sigmaringen, 1986).

² PL 143:1315: "Primo namque, inspectore Deo, est statutum, ut electio Romani pontificis in potestate cardinalium episcoporum sit, ita ut si quis apostolicae sedi sine praemissa concordia et canonica electione eorum ac deinde sequentium ordinum religiosorum, clericorum et laicorum consensu, inthronizatur, is non papa vel apostolicus, sed apostaticus habeatur."

³ For a critique of the encyclical as support for version A see Wilhelm Bernhardi, "Das Dekret Nikolaus II. über die Papstwahl," *Forschungen zur deutsche Geschichte* 17 (1877), 397–408, p. 404, Bernhardi notes that Richard Zöpffel (*Die Papstwahlen und die mit ihnen im nächsten Zusammenhange stehenden Ceremonien in ihrer Entwicklung vom 11. bis zum 14. Jahrhundert* (Göttingen, 1872), p. 109f.) thought that Anselm of Lucca & Deusdedit corrupted the encyclical as well as the *Decretum contra simoniacos* by adding "episcopi" to "cardinales."

Bernhardi (p. 402) claims that there is no evidence that cardinal bishops ever exercised special powers in elections subsequent to Nicholas II. He states that the

Detlev Jasper's detailed study of the manuscripts in 1986 was thought to have demonstrated definitively that version A was the original, but even his book was not to be the last word. Although Hans-Georg Krause agrees with him, he has found fault with some of his arguments.⁴ It is therefore not an exercise in futility to continue the quest for a more convincing resolution of this vexing puzzle, and to see whether Farfa might have been involved.

A forgery emphasizing the role of the cardinal bishops and minimizing the authority of the emperor most likely would have originated within curial circles or in France.⁵ A forgery highlighting the role of the emperor most probably would have been created in the imperial chancery, in the entourage of one of the popes associated with the emperor—most probably Clement III, but possibly Cadalus—or in the scriptorium of an imperial abbey. Farfa fits the latter category, and would be a prime contender, since version B first appeared in a codex originating in its scriptorium—either the source that Panvinus used in *De varia pontificis Romani creatione*, or the *Liber Beraldi* in the *Chronicon*.

At least two arguments support the hypothesis that version B was forged at Farfa. The first speculates that shortly after 1059 a monk working under the direction of Berard I created a decree reserving a decisive role for the emperor. His objective would have been to assure the ongoing protection of Farfa's liberties. This theory rests on the assumption that Panvinus accurately dated the codex from

only credible source to the contrary is Petrus Damianus, but that Petrus held a bias in favor of cardinal bishops. Bernhardi observes that when Petrus was not promoting them, he just as often used "populus Romanus." e.g. *Disceptatio synodalis*, MGH LdL 1:76–94 at p. 92: "Dic ergo, quomodo iste [Cadalus] pontifex erit, quem non Romanus populus, sed unus homo cum suis complicitibus idemque non Romanus sed suburbanus . . . elegit."

Bernhardi (p. 404) cites documentation from the elections of Anaclet II and Innocent II in 1130. Noting that even Bernard of Clairvaux did not refer to version A of the electoral decree, he concludes that it did not exist in the Roman archives. Bernhardi (p. 408) concludes that it is impossible to tell now who made the forgery, but he believes that it must have been done in France, where almost all of the manuscripts originate. He argues that the French also had the motivation—to minimize the authority of the local cardinals (priests & deacons) and to maximize that of outsiders, frequently cardinal bishops. The forgery would also minimize the authority of German king. Bernhardi speculates that Innocent II probably learned of the forgery, so favorable to him, when he was in France. Gratian, working about this time, incorporated it into the *Decretum*. For a rejoinder to Bernhardi's arguments see Scheffer-Boichorst, *Die Neuordnung*, p. 57.

⁴ Jasper, *Das Papstwahl Dekret*; Krause, "Die Bedeutung."

⁵ See the arguments of Bernhardi in n. 3 above.

Farfa from which he copied the decree in *De varia pontificis Romani creatione* to more than five hundred years before he was writing.

The second argument is that Panvinius was wrong about the date, and that version B first appeared in the *Chronicon*. There the reason for a fabrication is obvious. In the trial with the Ottaviani Farfa was fighting to retain its liberties. The Ottaviani had submitted the Donation of Constantine to support its case, and Farfa needed every bit of evidence it could produce to undermine the authority of the papacy and to enhance that of the emperor. The decree would fulfill that function by ensuring that no matter what contingency arose, the imperial imprimatur would be necessary for a papal election to be valid. The flaw in this hypothesis is that by 1105 there were already many references to what seemed to be version A of the decree.

If the decree in *De varia pontificis Romani creatione* were authentic, it would be the oldest recension of either version in existence. The argument for its authenticity is that it was consistent with the ideology of Nicholas and Hildebrand, and that it reflected current practices. In 1059 the difficulty for the reformers was not the emperor, but the nobility. However, the political climate had changed by the time of the schism between Alexander II and Cadalus in 1061. The tension between the emperor and the papacy was increasing, and it further intensified when Henry IV reached his majority in 1065. By the time that Hildebrand was elected pope as Gregory VII in 1073, it had become acute.⁶ The decree in *De varia* did not harmonize with this new reality.

From Gregory VII's perspective, an electoral decree that gave the emperor the right to consent to the election and to have his will taken into consideration if there were any deviation from standard electoral procedures, would give the emperor too much control over the papacy. The schism of 1061 and his own dubious election would have highlighted the danger, and possibly have served as the motivation for him to forge a text more supportive of his objectives. Not only would it ensure ecclesiastical authority over papal elections, but through the cardinal bishops, even papal control of the elections.

By definition the cardinal bishops fell outside of the Roman bishopric, and originally they had nothing to do with electing its bishop.

⁶ For a knowledgeable assessment of this period see Horst Fuhrmann, *Germany in the High Middle Ages: 1050–1200*, tr. Timothy Reuter, (Cambridge, New York, Port Chester, Melbourne, Sydney, 1986, repr. 1989).

Since the seventh century certain neighboring bishops, whose composition varied, had assisted the pope in the Lateran basilica, primarily in liturgical functions. By 1059 they had become the pope's close advisors, and were beginning to be entitled "cardinal bishops." To provide a measure of detachment from local politics, the pope frequently secured the election of non-Italians to these sees. Among the most notable were Humbert of Silva Candida, a Burgundian, and Oddo of Ostia, a Frenchman. A firebrand, Humbert himself could have forged the decree to augment the power of the cardinal bishops and the papacy.

If Gregory VII or Victor III did fabricate version A, as Panvinus argued, then the text in *De varia pontificis Romani creatione* and the *Chronicon* would be authentic. If such were the case, Gregory of Catino would have submitted the genuine version from Farfa's archives during the arbitration proceedings with the Ottaviani. Since Nicholas II's own election kindled the spark that ignited the fuel driving electoral reform, let us see if it casts any light on the authenticity of either version of the decree.

The Election of Nicholas II

Because Nicholas was not elected according to the norms set down in the synod of 769, he had no legal priority over Benedict X.⁷ It has been suggested that the primary reason for drafting the electoral decree of 1059 was to legalize his election after the fact.⁸ Nicholas could not base his claims for recognition on ideological superiority, for Benedict had previously come under the influence of Leo IX, and had credentials as a reformer. The reasons for opposing him were primarily political, for as the former bishop of Velletri, he was under the influence of the Tusculani and other local nobility.

In the *Liber Pontificalis* Boso states sketchily that since conditions made it impossible to hold an election in Rome, Archdeacon Hildebrand departed for Siena with bishops and cardinals. There, with the participation of local prelates they elected G[erard], bishop

⁷ For literature on Benedict X, MGH, *Die Briefe des Petrus Damiani*, ed. Kurt Reindel (Munich, 1988), pt. 2, Nrs. 41–90, #58, to Archbishop H., n. 3, p. 191.

⁸ Haller, *Das Papsttum* 2, p. 324.

of Florence, as pope.⁹ Since Boso was writing about a century after the fact, no special credence need be given to his account.

The *Annales Romani*, written much earlier, but generally regarded as pro imperial, relate that after the death of Stephen IX, imperial followers in Rome—both cleric and lay—sent Hildebrand to the emperor to select a new pope. Reaching only as far as Florence, where the pope had died, Hildebrand spoke with the bishop of Florence. He promised the bishop that if he came with him to Rome, he would be made pope. The bishop consented, and with a large number of horsemen and a great amount of money, they set out for Rome.¹⁰

These sources exemplify the widely differing accounts of Nicholas' election.¹¹ An assessment of a variety of sources suggests that the election possibly evolved as follows.¹² The brother of Stephen IX, Duke Godfrey of Lotharingia, and his wife, Beatrice of Tuscany, lived in Florence. After a reign of scarcely eight months, Stephen IX seemed to know that the end was about to come. Perhaps he was even being poisoned by the Romans, who did not want another powerful pope of the ilk of those imposed by Henry III.¹³

Stephen traveled to Florence to see his brother, and before dying, he gave instructions that no pope was to be elected until Hildebrand

⁹ Boso, *Lib. Pont.* 2, p. 357: "Interea Ildebrandus archidiaconus cum episcopis et cardinalibus, quia in urbe Roma non poterant libere catholicam electionem facere, apud Senam pariter conveniunt, ibique convocatis circumpositis episcopis et aliis ecclesiarum prelati, post multam deliberationem, invocata Spiritus sancti gratia, dompnum G., Florentinum episcopum, in pastorem sibi et Romanum pontificem unanimiter elegerunt . . ."

¹⁰ *Ibid.*, 334: "Post mortem vero dicti pontificis, tunc fideles imperatoris, clerici hac layci, miserunt Ildibrandum archidiaconum ad imperatorem H. ut sanctae Romanie ecclesiae pium rectorem hac benignum pontificem tribueret. Ille vero cepto itinere pervenit Florentiae, ubi antedictus Stephanus pontifice obiit. Quid multa? Postquam locutus est cum episcopo dicte civitatis, promisit ey ut si ipse vellet cum eo Romam pergere, ordinaret eum Romanum antistitem. Ille vero hoc audiens acquievit hac consensit dictis vel voluntate illius. Tunc cum quingentis equitibus et cum magna pecunia ceperunt Romanum iter."

¹¹ Joachim Wollasch, "Die Wahl des Papstes Nikolaus II." pp. 54–73 of *Il Monachismo et la Riforma Ecclesiastica (1049–1122)* (Milan, 1971); Wollasch states that the cardinal bishops fled Rome when Benedict X was elected. Five of the seven voted for Nicholas; who else voted for him is not clear; Wollasch notes that Nicholas was a Cluniac. For other literature on the seven days following the death of Stephen IX see n. 4, p. 192 of *Die Briefe des Petrus Damiani* as in n. 7 above.

¹² Haller, *Das Papsttum* 2, pp. 311–324; Gregorovius, *Rome in the Middle Ages* 4.1, pp. 111–118.

¹³ Duchesne, *L'État Pontifical*, p. 390.

returned from the German court.¹⁴ Hildebrand had been sent there along with bishop Anselm of Lucca to receive the consent of the regency to Stephen's election after the fact. The Romans broke their oath, and with the support of the Crescentii, the Tusculani, and the Count of Galeria, on April 5, 1058 they installed the bishop of Velletri as Benedict X at St. Peter's. Leo, the son of Benedictus Christianus, and father of Petrus Leonis, led the opposition. In all probability Hildebrand was related to this family.

According to at least one report, during his sojourn in Germany Hildebrand participated with Henry and Agnes on the occasion of the consecration of the bishop of Poleda in Thuringia. Thereafter he spent the Christmas holidays with the king and his mother in Merseburg.¹⁵ During the several months before he returned to Florence he may have been engaged in negotiations with the regency. Under the empress the regency had lost control of the last two elections, and it needed to reassert itself.¹⁶ Finally it sent Hildebrand to

¹⁴ *Die Briefe des Petrus Damiani*, ed. cit. n. 7 above; #58 to Archbishop H., p. 192: "Huc accedit, quia piae memoriae Stephanus papa congregatis intra aecclesiam episcopis civibusque Romanis, clero et populo, hoc sub districti anathematis excommunicatione statuerat, ut, si eum de hoc saeculo migrare contingeret, antequam Hildebrandus sanctae Romanae aecclesiae subdiaconus, qui cum communi omnium consilio mittebatur, ab imperatrice rediret, papam nullus eligeret, sed sedes apostolica usque ad illius reditum intacta vacaret."

¹⁵ Mabillon, *Annales* 4:536: "Eodem anno [1058] in festo sancti Johannis apostoli consecratus est Gundekarus Eitetensis episcopus in loco Turingiae dicto Poleda, cui Hildebrandus sanctae Romanae aecclesiae subdiaconus cum Heinricho imperatore & Agnete augusta interfuisse dicitur. Lambertus suffragatur, testatus, regem Merseburgi natalem Domini celebrasse, ibique adfuisse, inter alios regni principes, etiam Hildebrandum abbatem de sancto Paulo, mandata deferentem ab sede apostolica, virum & eloquentia, & sacrarum litterarum eruditione valde admirandum: quatenam fuerint illa sedis apostolicae mandata, incertum est."

¹⁶ The *Annales Altahenses* characterize the weakness of the regency c. 1060; MGH SS 20:810: "Rex enim puer erat, mater vero utpote femina his et illis consiliantibus facile cedebat, reliqui vero palatii praesidentes omnes avariciae inhiabant et sine pecunia ibi de causis suis nemo iusticiam inveniebat, et ideo fas nefasque confusum erat."

In the life of Alexander II, 1061, Platina di Bartolomeo, explains that it was not suitable to the majesty of the empire that it be governed by a woman. *Le Vite de' Pontifici*, notes by Panvinius et al., 1 (Venice, 1730), p. 232: "Ottone Archivescovo di Colonia biasmando in presenza d'Arrigo il giovane, Agnese, e dicendo non convenirsi all maestà dell'Imperio, che la Repubblica Christiana a i cenni d'una donna si governasse, e avutone perchio autorità, e licenza dall'Imp. di rassettare a suo modo le cose di S. Chiesa se ne venne in Roma, dove con gravissime parole riprese Alessandro, perche avesse contra la volontà di Cesare, e contra la consuetudine occupato il Papato." In the life of Gregory VII Platina writes, pp. 233-234: "Non solamente non ubbidì Arrigo a questi santi recordi del Papa, che privo ancor affatto

Florence with full powers to institute elections for selecting a new pope.¹⁷

Proceedings may already have been underway before his arrival. Since as a mere subdeacon Hildebrand alone did not have the power to select the pope, most probably he made that decision jointly with Godfrey of Lotharingia and Wibert, the German chancellor and imperial vicar in Italy representing the regency.¹⁸ Wibert, a cleric from Parma who became the archbishop of Ravenna, would later (1080) be elected Clement III as a rival to Gregory VII (Hildebrand). Even though Godfrey was one of the leaders of the feudal opposition to the emperor, in this case he and Beatrice united with the regency in opposition to Benedict X.

It took until December 18 to convene a synod at Siena where Gerard, the Burgundian bishop of Florence, was elected pope as Nicholas II. His electors were not the clergy and people of the bishopric of Rome, but cardinals who had left Rome in opposition to Benedict X. After the election the clerical party sought confirmation from the regency. It was this imprimatur rather than conformity to the decree of 769 that gave claim to the legitimacy of his election.¹⁹ Not strong in his own right, the new pope allowed himself to be controlled by others, especially by Hildebrand, whom he promoted to archdeacon before the end of 1059.

The Roman nobility opposed to Benedict X sent representatives to the regency, promising the same fidelity that they had sworn to Henry III. Thereupon Agnes commissioned Godfrey, accompanied by Wibert, to conduct the elect to Rome. Stopping in Sutri on the way, the party summoned a council in January 1059 that pronounced the deposition of Benedict X, and recognized Gerard as pope. At Rome they encountered stiff opposition, but Hildebrand prevailed

del governo l'Imperatrice Agnese, perche l'avesse voluto ammonire, e dirgli quello, ch'in simile caso fare si bisognava. Questa Signora se n'ando in Roma; ma poco sopravvisse, perche di puro affano, e di dolore mori."

Henry IV's pious mother was greatly under the influence of the leaders of the reform, and was later seen to have dealt an almost lethal blow to the monarchy. Anno, archbishop of Cologne, virtually abducted the young king in 1062, and took over as regent.

¹⁷ Fuhrmann, *Germany in the High Middle Ages*, p. 52. Fuhrmann states that Nicholas was elected immediately without any consideration for the rights of the German king.

¹⁸ Stürner, "Salvo, debito," pp. 29-33; Haller, *Das Papsttum* 2, pp. 586-587; Duchesne, *L'État Pontifical*, p. 392.

¹⁹ Duchesne, *L'État Pontifical*, p. 393.

upon the Trasteverini under Leo, the father of Petrus Leonis, to open the gates.

After the gates had been opened, Godfrey occupied Trastevere along with the Leonine city and the Isola Lyaconia. Benedict X fled. With the replacement of the prefect by Johannes Tiniosus, the candidate of Leo and Hildebrand, Hildebrand emerged as one of the most powerful figures in Rome. Nicholas II was installed as pope in St. Peter's on January 24, 1059, and in April he summoned the council that issued the decree on papal elections.²⁰

As we have seen, Nicholas had the cooperation of the regency in attaining the papacy. He was no particular friend of the Normans, and indeed, before the council he had excommunicated Robert Guiscard for confiscating church property. However, shortly after the council he signed the treaty of Melfi with the Norman invaders. Ignoring imperial claims to Southern Italy, Nicholas acknowledged Norman occupation in return for vassalage and an annual payment.

In spite of this seeming affront to imperial interests, the treaty did not seem to be directed against the regency, and relations with the German court remained good. The regency neither objected to the Norman alliance nor to the papal electoral decree.²¹ Wibert, who participated in the drafting of the decree, would have reported on the text when he returned to Germany, and there is no evidence of an adverse reaction.²² All accounts show that the dispute in filling the papal vacancy in 1058 was not with the king, but with the local nobles. Writers of both versions of the decree wanted to preclude their control, and to ensure that the pope would be elected by cardinals.

Rather than a rejection of the regency, the alliance with the Normans appears to have been designed to gain local support, since the fragile administration of Nicholas needed strong allies in the vicinity to counter the power of the Tuscullani and their allies. A Norman army accompanied by Nicholas and Hildebrand marched to Rome where it quickly subdued the Tuscullani. Thereafter, it continued on to the fortress of Galeria where it forced Benedict X to capitulate.

²⁰ Curiously Gregorovius is aware of the two versions of the decree, but does not appear to attach much significance to their differences. He cites the version transmitted in the *Chronicon. Storia della Città di Roma nel Medio Evo* 2, 3rd ed. (Rome, 1912), n. 1, p. 117.

²¹ Stürner, "Salvo debito," p. 33; Duchesne to the contrary; *L'État Pontifical*, p. 400.

²² Schiefer, "Rechtstexte des Reformpapsttums," p. 54.

The Roman nobles, who had been defeated by the Norman vassals of the new papacy, turned to the emperor. They visualized a Roman empire in which they constituted the Senate while the German king reigned as emperor. The papacy had a different vision, one in which the Senate was replaced by the college of cardinals, and the emperor by the pope. Version A of the papal electoral decree signified this transformation, made explicit in a letter that Petrus Damiani wrote to the cardinal bishops in 1061.²³ Gregorovius, whose insights and knowledge of Roman history are still respected, suggests that version A was published only after the beginning of the Norman infeudation.²⁴

Whether or not this was so, the decree was an adumbration of new papal policy as well as a guide for papal elections. In the new order the cardinals would be responsible for electing the monarch. Among the cardinals the cardinal bishops would predominate, because unlike the cardinal priests and deacons, they frequently came from outside of Rome, and were not part of the local nobility. Independent of internal rivalries, these bishops would be beholden to the pope who selected them. Version A of the electoral decree is appropriate to these changes in policy, and version B to the conditions that existed in April 1059.

Cardinal Bishops

Since in some contexts cardinal bishops were simply entitled bishops, it is not always clear that they were cardinals. Like version B, version A identifies the signatures of cardinal bishops merely as bishops: e.g. "Bonifatius Dei gratia Albanensis episcopus subscripsi".²⁵ Some-

²³ Baronius, *Annales* 17, p. 199: "Nunc praeterea Romana Ecclesia, quae Sedes est Apostolorum, antiquam debet imitari curiam Romanorum. Sicut enim tunc terrenus ille Senatus ad hoc communicabat omne consilium, in hoc dirigebat, et subtiliter exercebat communis industriae studium, ut cunctarum Gentium multitudo Romano subderetur Imperio: ita nunc Apostolicae Sedis aeditui, qui spirituales sunt universalis Ecclesiae Senatores, huic soli studio debent solerter insistere, ut humanum genus veri Imperatoris Christi valeant legibus subjugare."

²⁴ Gregorovius, *Storia della Città di Roma nel Medio Evo* 2, n. 25, p. 273.

²⁵ Jasper, *Das Papstwahldekret*, p. 110; Until recently the signatories were known only from the manuscripts of version B, but Jasper has discovered a manuscript of version A in Bergamo written in the second half of the twelfth century that includes signatures. The list contains gaps and lapses, and seems to have been adopted from

times it even omits "episcopus:" e.g. "Humbertus sanctae aecclesiae Silve Candidae subscripsi."²⁶ When the anonymous author of the tract, *De papatu Romano* or *De discordia papae et regis*, written c. 1084, describes the signing of the papal electoral decree he states: "Et subscripserunt omnes episcopi et cardinales presbyteri."²⁷ In a speech at the synod of Benevento in August 1087 Victor III uses the term "cardinal bishops" when he refers to the election of Wibert, and "bishops" when referring to his own.²⁸

These imprecise or inconsistent designations do not reflect mere sloppiness on the part of the author or the scribe, but rather an ambivalence about whether the cardinals included bishops outside of the Roman see. More than twenty years after the promulgation of the electoral decree Deusdedit still saw the *Sancta Romana Ecclesia* as a corporation represented by the cardinal priests and deacons together with the pope whom they elected.²⁹ Pointedly omitting any participation of "cardinal bishops" in papal elections, he refers only to "cardinals" in summarizing the decree of 1059.³⁰

The manuscripts from Farfa do not use the term "cardinales" to identify the bishops who signed the decree directly after Nicholas. Set off by brackets in *De varia Romani pontificis creatione*, they are categorized as "Episcopi Romani."³¹ The decree in the *Chronicon* states: "et Romani episcopi .IIII^{or}." with "V" written above the line."³² By contrast, the cardinal priests in both versions of the decree are called cardinals. In *De varia* they are again set off by brackets and entitled "Presbyteri Cardinales."³³ The *Chronicon* states: "et cardinales .IIII^{or}. idest . . ."³⁴ The emphasis here is somewhat different, because it seems to imply that only the priests are cardinals. This inference is

a manuscript of version B. Bergamo, Biblioteca Civica Angelo Mai, MA 244; Sigle B2; Jasper, op cit., pp. 91–97; Krause, "Die Bedeutung," pp. 91–112.

²⁶ Ibid.

²⁷ MGH LdL 1:454–460 at p. 459.

²⁸ *Chronica Casinensis* MGH SS 34:454: "nullo cardinalium episcoporum precedente iudicio. . . cum iam unanimi concordia episcoporum et cardinalium . . ."

²⁹ Blumenthal, "Fälschungen bei Kanonisten," pp. 250–251.

³⁰ *Kanonessammlung*, ed. Glanvell, Lib. I, ch. 168, p. 107: "Ex concilio eiusdem [Nicholas II] cum CXIII; Si qui apostolicae sedi sine concordia et canonica electione cardinalium eiusdem ac deinde sequentium clericorum religiosorum intronizatur, non papa uel apostolicus sed apostaticus habeatur . . ."

³¹ Clm 148, fol. 102r.

³² *Chron.* 2, p. 247.

³³ Clm 148, fol. 102r.

³⁴ *Chron.* 2, p. 247.

reinforced when the cardinal deacons are merely entitled “diaconi.”³⁵ *De varia*, however, again places the names in brackets and categorizes them as “Diaconi Cardinales.”³⁶

Version A includes “cardinalis” in the signatures of the cardinal priests; e.g. “Ioannes cardinalis tituli Sancti Marci subscripsi.”³⁷ By characterizing the deacons as “omnes sanctae Romane ecclesie,” it implies that they, too, are cardinals.³⁸ Later I shall analyze the signatures in detail, but from these comparisons one can see that the terminology was imprecise, and that these vagaries must figure in any assessment of the cardinal bishops.

The term used for the preliminary discussions in electing the pope is “tractare”, the same term used in the abbatial election at Farfa in 1119. The procedure appears to be similar, although it is more clearly spelled out in the case of Farfa. There, twelve brothers were chosen to discuss a candidate, and the entire body agreed to confirm the person they selected.³⁹ In version A of the electoral decree the cardinal bishops were to summon to themselves the clerical cardinals.⁴⁰ It is not clear from version A whether the cardinal bishops were to participate directly in the voting process, but other evidence suggests that they were not. In the *Disceptatio synodalis* Petrus Damiani appears to paraphrase the decree when he states that he should be pope whom the cardinal bishops unanimously call, whom the clergy elects, and whom the people welcome.⁴¹

³⁵ Ibid.

³⁶ Clm 148, fol. 102r.

³⁷ Jasper, *Das Papstwahldekret*, p. 110.

³⁸ Ibid., 111.

³⁹ *Regesto* 5, p. 311: “Sepulto praefato domno Beraldo abbate ab omni conuentu electi sunt xij fratres. Videlicet praesbiteri iij, diaconi iij, subdiaconi iij, acoliti ij qui de noui abbatis persona fideliter tractarent. Hi sibi inuicem per librum sanctae regulae et per fidelem sponponderunt pacem, quod de abbatis eligendi persona fideliter omnino tractarent, et neque odii neque amoris gratia personam introducerent aliquam uel laudarent, nisi quae sibi melior et utilior ad hoc uideretur, et si quando conuentus eos exquireret, certiores de hoc eos facerent quod sine fraude maloque ingenio hanc causam satagerent. Quibus etiam conuentus auctoritate omnium promisit, ut quamcumque personam ipsi confirmarent, conuentus reciperet et corroboraret.”

⁴⁰ Jasper, *Das Papstwahldekret*, pp. 101–102: “inprimis cardinales episcopi diligentissima simul consideratione tractantes, mox sibi clericos cardinales adhibeant . . .”

⁴¹ *Petri Damiani disceptatio synodalis*, June or July 1062, ed. L. von Heinemann, MGH LdL 1:76–94 at p. 91. In a debate with the Regius advocatus the Defensor Romanae aecclesiae asks: “Quis ergo istorum iusto videbitur examine preferendus, utrum is, quem elegit unus vir perpetuae maledictionis anathemate condemnatus, an ille potius, quem cardinales episcopi unanimiter vocauerunt, quem clerus elegit, quem populus

The episcopal electoral decree promulgated by Leo I, and incorporated into version A, creates further confusion.⁴² It states that bishops must be elected by clerics, approved by the people, and consecrated by the conprovincial bishops with the metropolitan acting as judge. Extrapolating from this text, the author of version A argues that since the apostolic see as the highest church has no metropolitan, the cardinal bishops should take his place. Their function, it asserts, is to raise—*provehunt*—the elected priest to the apex of the apostolic summit.⁴³ In sum, as surrogates for the metropolitan their role is not to elect the pope—in Leo's decree the clergy are the electors—but to advance the elect to his consecration. It is the final part of the ceremony rather than the beginning.

The reader is left with the impression that version A was drafted hastily and without logical consistency. The role of the cardinal bishops is not clear, and even the prerogative of the emperor is inserted in a context where it seems to pertain only to cases where a candidate cannot be found from the Roman see. For imperial authority to have any significance at all, it would have to apply to all elections.

expetivit, non in extremitate terrarum, sed intra moenia Romanorum et in ipsius sedis apostolicae gremio?"

Ovidio Capitani, *Tradizione ed Interpretazione: Dialettiche Ecclesiologiche del Secolo XI* (Rome, 1990); ch. 2, "Problematica della 'Disceptatio Synodalis,'" first pub. *Studi Gregoriani* 10 (1975), 143–174; p. 168 of 1990 ed.; Capitani believes that the text that Petrus Damiani used was closer to version B than A. He rejects the classification of "forgery," and finds everything in the redactions to be questionable. Of the cardinal bishops he states, p. 168: "Che poi Pier Damiani insista sul ruolo principale del 'cardinales episcopi' sta solo a testimoniare che, con, tutta probabilità, il livellamento dei cardinali non doveva effettivamente esserci nel testo originale: ma non questo conta, ai nostri fini, dacché noi abbiamo ammesso in principio che quel testo originale ci dobbiamo sforzare di coglierlo attraverso un approccio di maggiore plausibilità, non con il convincimento di una redazione determinata, di una lettera definitiva." Grauert, "Das Dekret von Nikolaus II.," p. 515.

⁴² Defenders of the authenticity of both versions of the electoral decree have tried to understand the awkward insertion of this text. The view of Bernhardi is that the authors of version A had to justify the flagrant usurpation of the rights of the cardinal priests and deacons by the cardinal bishops by making the decree as canonical as possible. "Das Decret Nicolaus II.," pp. 397–398.

⁴³ Jasper, *Das Papstwahldekret*, pp. 103–104: "Et certe rectus atque legitimus hic electionis ordo perpenditur, si perspectis diversorum patrum regulis sive gestis, etiam illa beati praedecessoris Leonis sententia recolatur: *Nulla*, inquit, *ratio sinit, ut inter episcopos habeantur, qui nec a clericis sunt electi, nec a plebibus expetiti nec a conprovincialibus episcopis cum metropolitani iudicio consecrati*. Quia vero sedes apostolica cunctis in orbe terrarum praefertur aeclesiis atque ideo super se metropolitanum habere non potest, cardinales episcopi proculdubio metropolitani vice funguntur, qui videlicet electum antistitem ad apostolici culminis apicem provehunt."

These major flaws in version A compel one to ask whether the focus of the author was not to promote certain political objectives rather than to create uniform procedures for papal elections. Like Sherlock Holmes with his magnifying glass, let us see if we can discover any further clues in the elections following the reign of Nicholas II.

CHAPTER THIRTEEN

THE CARDINAL BISHOPS IN PAPAL ELECTIONS

Citing the decree of Leo I was a signal that the architects of version A wanted to identify papal electoral procedures as closely as possible with ordinary episcopal elections. But by 1059 the *Ecclesia Romana* had far transcended its genesis as the bishopric of Rome, and a selection process appropriate to its pretensions as a universal church was required. Cardinals representative of more than just the local diocese were obvious candidates to serve as electors.

Whether in 1059 or later, at some point cardinals of all orders were permitted to participate in the voting. We know only that after the deeply divisive schism between Alexander III (1159–1181) and Victor IV (1159–1164) it was the practice. Without distinguishing among orders, the Third Lateran Council of 1179 decreed that a pope must be elected by a two thirds majority of cardinals.

One indication of whether version A was ever used is the role that cardinal bishops played in the elections following the death of Nicholas II.¹ The elections of Alexander II in 1061, Gregory VII in 1073 and Victor III in 1086 are key, for as Hildebrand and Desiderius, both Gregory VII and Victor III, had been present at the council of 1059, and knew which version of the decree had been promulgated. If it were not version A but the text found in the manuscripts originating from Farfa, they would also, as Panvinus argued, have had reason to modify it.

The Elections of Cadalus (Honorius II) and Alexander II

In introductory remarks in *De varia pontificis Romani creatione* Panvinus contends that the elections of both Alexander II and Gregory VII

¹ Bernhardi argues that the cardinal bishops did not play a special role in the elections following the death of Nicholas. "Das Dekret Nicolaus II.," pp. 402–408; Scheffer-Boichorst argues against Bernhardi; *Die Neuordnung*, pp. 73–78; Duchesne concludes that the triumph of the liberty of the church was not owed to the decree of Nicholas II. He says that the predominant role of the cardinal bishops seems to have been abandoned. *L'État Pontifical*, pp. 401–402.

were irregular because the emperor had not first been consulted.² He states that they wished to have their elections confirmed before consecration and coronation, but that it was understood that the emperor's assent was required before the election, and that they had received his approval only afterwards.³ He attributes the agitation reported by Petrus Damiani and others following the death of Nicholas to this aberration.⁴

The leader of those who insisted on maintaining the custom of prior assent was Hugo Candidus, cardinal priest of San Clemente. Prior assent was based upon the emperor's right as *patricius*, the dignity that Henry III had invoked to justify his intervention in selecting the pope. The group surrounding Hugo Candidus sent the crown of the *patricius* and the papal ornaments to Henry IV, and requested that he select (*eligeret*) the pope, just as his father had done, and in accord with the decree of Nicholas II.⁵ Wearing the crown of the

² Clm 148, fol. 105r: "Mortuo Nicolao II. papa, uariatur etiam adhuc Romani pontificis electis, quae in duobus tantum sequentibus uariatio durauit. Nam quamquam sine auctoritate Imperatoris papa Alexander II. et Gregorius VII. Romani pontifices a clero, cardinalibus, et populo creati sint eius tamen ante consecrationem et coronationem confirmationem habere uoluerunt." For Alexander II see Tilmann Schmidt, *Alexander II. (1061-1073) und die Römische Reformgruppe seiner Zeit*; vol. 11 *Päpste und Papsttum* (Stuttgart, 1977).

³ Ibid.: "Medius hic igitur modus fuit a clero enim et populo sine Imperatoris auctoritate electi; non tamen sine eius consensu et confirmatione consecrati et coronati." Carl Mirbt, *Die Wahl Gregors VII.* (Marburg, 1892), p. 31.

Fuhrmann (*Germany in the High Middle Ages*, p. 52) points out that this was not a radical departure. He asserts that Hildebrand and Anselm of Lucca informed the regency of the election of Stephen IX only after the fact. He also asserts that there was no consideration for the rights of the German king in the election of Nicholas II. We have seen, however, that some sources indicate otherwise.

⁴ Ibid., 105r; Petrus Damiani, *Disceptatio Synodalis*, LdL 1:81: "Tunc, enim, quando pontificem Romana sibi praefecit aecclesia, tantae simultatis fomes in seditionem cives accenderat, tantus livor et odium tumultuantis populi corda turbauerat, ut de tam longinquis terrarum spatiis nequaquam regiae clementiae prestolari possemus oraculum. Nisi enim quantocius ordinaretur antistes, perniciosus in populo gladius mutuis vulneribus deseviret, et non parva Romanorum civium strages fieret."

⁵ Ibid., 105r-105v: "Pontificem summum eligi omnino procurabant, quorum princeps Hugo Candidus Tridentinus presbyter Cardinalis titulus sancti Clementi erat. Hi statim a Longobardis Episcopis adiuti anulum, pedumque pontificalia cum corona et aliis amplis muneribus Caesari Henrico III. per Legatos de more miserunt, eumque ut pontificem Romanum eligeret, perinde ad pater eius facere consueuerat, et iuxta Nicolai papae decretum interpellarunt."

Bonizo of Sutri, a strong supporter of Gregory VII, *Liber ad amicum* MGH LdL 1:568-620; p. 595: "Nam [Lombard bishops] dicebant eorum dominum [Henry] et heredem regni ita heredem principatus, et beatum Nicolaum decreto confirmasse, ut nullus in pontificum numero deinceps haberetur, qui non ex consensu regis elegeretur." Benzo episcopus Albensis (Alba) (1059-1077) signed the papal electoral de-

patricius Henry presided over a council at Basle primarily composed of Lombard bishops. After he had given his consent to the nominee, the council elected Bishop Cadalus of Parma as Honorius II on October 28, 1061.⁶

Since all of the factions at the council perceived that the rights of the *patricius* harmonized with the papal electoral decree, they most probably were referring to version B. Almost certainly the reason that the Germans never reacted against the decree is that they saw no conflict with previous custom. Seemingly, Wibert returned to Germany after the Lenten council of 1059 with the version unequivocally safeguarding the emperor's rights. We shall see that in times of controversy it is always the supporters of imperial rights who appeal to the decree.

Continuing his narrative of the election, Panvinus states that while these activities were taking place in the North, Hildebrand was rallying the *maior pars* of the cardinals and the Roman people. With Henry IV still a youth and involved in wars with Hungary, Hildebrand thought that the time was opportune for the Roman Church to resume free elections without the participation of the emperor.⁷ In this

cree of 1059 (Jasper, *Das Papstwahldekret*, p. 118). A staunch defender of the emperor, he was sent to Rome after the election of Cadalus in 1061. He is known as a name-caller, and is accused of making gigantic errors. *Benzo ad Heinricum IV*, MGH SS 11:597-681; p. 672: "Itaque [Romani] mittunt ei clamidem, mitram, anulum, et patricialem circulum per episcopos, per cardinales, atque per senatores, et per eos qui in populo videbantur prestantiores."

Stürmer, "Salvo debito," p. 33; The delegation included Gerard, count of Galeria, and the abbot of S. Gregory of Monte Celio. Krause, *Das Papstwahldekret von 1059*, p. 148.

⁶ Clm 148, fol. 105v; Platina, *Le Vite de' Pontifici*, ed. cit., p. 231: "Vescovi della Lombardia parendo loro, che quella loro Provincia meritasse, ch'un di loro fossi eletto Pontefice col favore di Gilberto da Parma, persona molto potente ottennero dall'Imperatore Arrigo, benche' l'Imperatrice v'ostasse, che fosse ancora nella Lombardia creato un'altro Pontefice. Radunato dunque un Concilio, elessero Cadolo Vescovo di Parma, e li diedero tosto tutt' i Principi della Lombardia ubbidienza, fuori che Matilde sola, che come donna di gran bonta, con la Chiesa Romana sentiva..." The empress and Countess Mathilda were not the only notable figures to oppose the election. e.g. *Annales Augustani* ad anno 1061, MGH SS 3:127: "[Cadalus was elected] a quibusdam... archiepiscopis et ceteris episcopis non consentientibus." Hefele/Leclercq, *Histoire des Conciles* 4.2, p. 1217; F. Baix, "Cadalus," *Dictionnaire d'Histoire et de Geographie ecclesiastique* 9, 53-99, at p. 56; Vittorio Cavallari, "Cadalo e gli Erzoni," *Studi storici veronesi* 15 (1965), 59-170.

⁷ Ibid.: "Interim dum haec Basileae in Germania agebantur, Cardinalium et populi Romani maior pars auctore Hildebrando archidiacono, qui unus super hoc negotio semper laboravit, tempus uenisse opportunum ratus quo Ecclesia Romana in electione suorum pontificum diu serua in pristinam reduci posset libertatem..." The *Annales Romani* report that Hildebrand acted only after legates had been sent to Henry IV.

effort he enlisted the support of the Normans, who were compensated for their services. The party in Rome felt justified in nominating its own candidate, Panvinus states, because the request to the emperor to select a new pope did not have the support of all of the cardinals and the people.⁸

On September 30, a month before the election of Cadalus, they chose Anselm, a nobleman from Milan, and bishop of Lucca, as Alexander II.⁹ In the *Liber Pontificalis* Boso says only that Alexander

Lib. Pont. 2, p. 336: "Post mortem vero dicti Nykolay miserunt Romani legatos ad H. regem, qui tunc puer erat, ut pium rectorem sancte Romane ecclesie tribueret. Hoc audito Hildibrandus qui tunc archidiaconus erat illico perrexit Mediolanum et duxit Anselmum, qui tunc archiepiscopus erat dicte civitatis, cui posuerunt nomen Alexander." *Annales Altahenses*, mai an. 1060 claim that Alexander was not elected by all of the Romans. MGH SS 20:810: "Hoc igitur anno obiit papa Nicolaus, pro quo episcopus Luccensis a quibusdam Romanorum in sede apostolica est constitutus, qui statim consecratus Alexander nomen accepit, quamvis communi eorum voluntate electus non fuerit, ut insequentibus apparebit. . . . [Cadalus comes to the regency] res suas agere non quievit, donec se ad sedem apostolicam a rege conlaudari et, ut mos est, infula pontificali investiri impetravit. . . . Quoniam autem . . . Alexander communi Romanorum voto electus non fuerat, quidam eorum, furto surripientes, crucem auream, quae ante papam portari solebat, et alia quaedam pontificalia ornamenta ad istum [Cadalum] detulerunt." Hefele/Leclercq, *Histoire des Conciles* 4.2, pp. 1149–1154; for sources, none of which mention cardinal bishops see Bernhadi, "Das Decret Nicolaus II.," p. 402.

⁸ *Ibid.*: "Imperatore praesertim tum puero et bellis Hungariis implicito Northmandorum tum lati per Italiam imperantium (quos etiam data pecunia in suum auxilium evocaverant) praesidiis suffulti, occasione accepta, quod legati ad Imperatorem Henricum III. missi pro nouo pontifice deligendo, non omnium Cardinalium et totius populi sententia a uoluntate lecti, et missi essent. . . ."

⁹ *Ibid.*, fols. 105v–106r; for hostile accounts, Benzo, *Ad Heinricum IV*, MGH SS 11:672: ". . . Richardus [of Capua] Lucensem hereticum deducere ad vincula sancti Petri, sed Romani bellicis armis restiterunt ei. Facta est autem ab utraque parte magna strages, et clauditur dies. Richardus vero, adiutus noctis caligine nigra, adgredditur alia via, et manibus sanguineis nocturnum papam inthronizabit, et ad Laterani palacium assportavit." *Benonis aliorumque cardinalium schismaticorum contra Gregorium VII et Urbanum II scripta* MGH LdL 2:366–422 at 380, ch. 11: "Cardinales autem ambitionem Hildebrandi non ignorantes, imperatorem multis precibus coegerunt, ut eis in electo suo Parmensi episcopo Cadalo favorem et auxilium prestaret. Quod factum cor Hildebrandi altius percussit; et manifeste factus est imperatoris inimicus. Omnia iurate fidelitatis vincula dirupit: et facta conspiratione cum inimicis imperatoris et cum Normannis, quem Parmensi episcopo Cadalo a cardinalibus electo, opponeret, Anselmum, Lucensem episcopum, decepit, et eum in papam eligi a quibusdam Romanis fecit."

The Council of Brixen of 1080, which deposed Gregory VII, refers to the election of Alexander II. MGH Deutsches Mittelalter 1, *Die Briefe Heinrichs IV*, ed. Carl Erdmann (Leipzig, 1937), pp. 69–73 at p. 71: "Dum vero quidam ex ipsis decretum Nicolai papae, a centum XXV episcopis sub anathemate promulgatum eodem Hildebrando laudante, ad memoriam sibi vellent reducere, quod si quis sine assensu Romani principis papari presumeret, non papa sed apostata ab omnibus haberetur, negavit

was elected by the clergy and the Roman people.¹⁰ Beno, cardinal priest of Ss. Martino et Silvestro, who became one of Gregory's chief critics and deserted him in 1084, must be read with caution. He reports that when Alexander II realized that he had been elected by the deceit and machinations of Hildebrand, and by the enemies of the emperor, he announced that he did not want to occupy the apostolic see without the permission and favor of the emperor. Beno claims that Hildebrand physically took Alexander in hand before he could carry out his vow.¹¹

Panvinus reports that Archbishop Anno of Cologne, archchancellor of Italy and the Roman church, later came to Rome to ask Alexander why he had accepted the papacy without the order of Henry IV. Anno presented evidence to support his contention that this tradition went back to Charlemagne, and he claimed that it was still in force at the time of the election of Nicholas II. Hildebrand, whose idea it had been to recuperate the liberty of the church, Panvinus emphasizes, responded that according to canonical sanctions of the holy fathers, no such right was conceded or permitted to the king. Although Panvinus asserts that Hildebrand cited many authorities to support his position, he does not specify that the papal electoral decree of 1059 was among them.¹²

However, his account should not be accepted uncritically, for it conflicts with others that identify Anno as an immediate supporter of Alexander.¹³ Alexander was finally recognized as pope by both sides when Honorius failed to appear at a council at Mantua. Honorius

se regem uspiam scire, et se posse asseruit sententiam predecessorum vacuum iudicare." Schmidt, *Alexander II.*, pp. 83, 104–105; Stürner, "Salvo debito," p. 34; Gregorovius, *Rome in the Middle Ages* 4.1, p. 129.

¹⁰ *Lib. Pont.* 2, p. 358: "Hic [Alexander] postquam venerabilis papa Nycolaus beato fine quievit, a clero et populo Romano concorditer fuit electus."

¹¹ *LdL* 2:380: "Igitur ubi Alexander intellexit se dolis et arte ab Hildebrando et inimicis imperatoris electum et intronizatum, die quadam, cum intra missarum sollemnia sermonem haberet ad populum, predicavit se nolle sedere in sede apostolica absque licentia et gratia imperatoris. Et publice dixit se litteras huius rei gratia missurum ipsi imperatori."

¹² *CIm* 148, fol. 108v: "Cui [Anno of Cologne] Hildebrandus Archidiaconus huius rei auctor et recuperandae libertatis ecclesiasticae unicus assertor sic loco omnium respondit. Archiepiscopo hoc firmissime credas, quod in electione Romanorum pontificum iuxta sanctorum patrum canonicas sanctiones, regibus nihil penitus est concessum, seu permissum, et citatis plurimis sanctorum patrum decretis, post multas et varias altercationes eidem Coloniensi Archiepiscopo quantum potuit satisfecit."

¹³ Fuhrmann, *Germany in the High Middle Ages*, pp. 56–57; Capitani, *Tradizione ed Interpretazione*, p. 172.

was deposed on May 31, 1064, but continued on as pretender until his death in 1071.¹⁴

Disceptatio Synodalis

Petrus Damiani was Alexander's most passionate apologist. In irate letters written to Cadalus in March/April 1062 Petrus asks incredulously how Cadalus could presume to have been elected.¹⁵ To say nothing of the senate, the lower order of the clergy and the people, Petrus continues, what about the cardinal bishops, who principally elect the pope?¹⁶ Later he describes what he meant by "principally." He states that the cardinal bishops make their recommendation, the clergy give their assent, and the people applaud. At this point proceedings are suspended until the king is consulted, unless, as he alleges happened recently, circumstances are such that procedures must be accelerated.¹⁷

¹⁴ Clm 148, fols. 108v–110r; Hefele/Leclercq, *Histoire des Conciles*, 4.2, pp. 1240–1249.

¹⁵ *Die Briefe des Petrus Damiani*, ed. Reindel 2, Nr. 41–90, #88, pp. 515–551; To Cadalus of Parma, March/April 1062; Petrus reproaches Cadalus for his irregular election; pp. 517–518 "... quo pacto praesumpsisti, vel, ut mitius loquar, acquiescere potuisti, ignorante Romana Ecclesia, Romanum te episcopum eligi?" see also #89, #120 to Henry IV, vol. 3, pp. 384–392; PL 144:237–247 at p. 238; Hefele/Leclercq, *Histoire des Conciles* 4.2, pp. 1224–1225; Watterich, *Pontificum Romanorum Vitae* 1, p. 241.

¹⁶ *Ibid.*: "Taceamus interim de senatu, de inferioris ordinis clero, de populo. Quid tibi de cardinalibus videtur episcopis? qui videlicet et Romanum pontificem principaliter eligunt et quibusdam aliis praerogativis non modo quorumlibet episcoporum, sed et patriarcharum atque primatum jura transcendunt?"

For a recent assessment of Cadalus see Maureen C. Miller, *The Formation of a Medieval Church: Ecclesiastical Change in Verona, 950–1150* (London, Ithaca, 1993), pp. 75–76; Miller points out that Cadalus has been accused of exemplifying the kind of corruption that reformers fought (P. Cenci, "Documenti inediti su la famiglia e la giovinezze dall'Antipapa Cadalo," *Archivio storico per le province parmensi* n.s. 23 (1923), 94–95). She contests this conclusion, and points out that it was Anselm of Lucca, not Cadalus, who had to purge himself of accusations of simony at the Council of Mantua in 1064. She acknowledges that his family's ties with the emperor predisposed him to support Henry's right to a role in episcopal and papal elections, but maintains that in the 1060s this was not a reactionary position. Surely, it was a position, which was being contested, however, and it was Cadalus' election, not his reforming credentials that Petrus Damiani criticized.

¹⁷ *Ibid.*, 526: "Nimirum cum electio illa per episcoporum cardinalium fieri debeat principale iudicium, secundo loco jure praebeat clerus assensum, tercio popularis favor attollat applausum, sicque suspendenda est causa, usque dum regiae celsitudinis consulatur auctoritas: nisi, sicut nuper contigit, periculum fortassis immineat, quod rem quantotius accelerare compellat." PL 144:243.

In a much more searching analysis of these declarations taking the form of a debate between a royal advocate, and a defender of the Roman church, Petrus wrote the *Disceptatio Synodalis*.¹⁸ The purpose of the *Disceptatio* was to win the support of the royal party for Alexander II in the upcoming council at Augsburg.¹⁹ Since he was present at the Lenten Council of 1059, and may have helped to draft the decree on papal elections, he almost certainly knew which version of the decree was genuine.

Nevertheless, he had his own agenda, and the differences between his outraged charges in the letters to Cadalus and his careful formulations in the *Disceptatio* reflect his disparate objectives. Scholars rise to defend him against accusations of gross inconsistencies, and of espousing the doctrine that no priest can be promoted to the apostolic see without the emperor's assent.²⁰ Moreover, he skews the wording of either version of the papal electoral decree by emphasizing the cardinality of the bishops, while never referring to cardinal priests as "cardinals."²¹

The papal defender opens the debate by asking whether it is possible that a pope can be elected without the king.²² Both the royal advocate and the defender admit the existence of a decree granting the emperor a decisive role in papal elections, but while the advocate maintains that this decree is immutable, the defender argues that circumstances determine whether it can be wholly applied. The advocate asserts that the decree of 1059 confirms a privilege that Nicholas had previously granted to Henry, and he claims that it was consistent with the rights of the *patricius*.²³

¹⁸ MGH LdL 1:76–94; The *Disceptatio* is added to a letter written to Cadalus soon after the middle of April, 1062; *Die Briefe des Petrus Damiani*, ed. Reindel, #89, pp. 531–572 at pp. 541–572; n. 26, p. 541 for literature on *Disceptatio*.

¹⁹ Odorick De'Maria, *The Ecclesiastical and the Civil Power in St. Peter Damiani* (Rome, 1964), p. 81.

²⁰ *Ibid.*, 68, 73, 82.

²¹ Mario Fois, "I Compiti e le Prerogative dei Cardinali Vescovi secondo Pier Damiani nel Quadro della sua ecclesiologia Primaziale," *Archivum Historiae Pontificiae* 10 (1972), 25–105.

²² MGH LdL 1:78: "Sed videamus . . . utrum papa sine rege potuerit fieri . . ."

²³ *Ibid.*, 80, line 29; *Royal advocate*: "Verumtamen tu hoc negare non potes, quod pater domini mei regis pia memoriae Henricus imperator factus est patricius Romanorum, a quibus etiam accepit in electione semper ordinandi pontificis principatum. Huc accedit, quod prestantius est, quia Nicolaus papa hoc domino meo regi privilegium, quod ex paterno iam iure successerat, prebuit et per synodalis insuper decreti paginam confirmavit. Cum ergo privatus quisque a suo decidere iure non debeat, donec ventilato negotio iudicialis in eum sententia promulgetur: quo pacto

The defender stands by the privilege that the pope gave to the king, but he argues vigorously that if the king is just a child, his rights should not be delegated to his mother in the flesh. She may help him in secular matters, he acknowledges, but the much more noble and sublime *Mater Ecclesia* should assist him in spiritual affairs.²⁴ Not convinced, the royal advocate presses his point, arguing that what the pope had decreed ought not to be changed.²⁵ The defender continues to protest that the church did not wish to inflict injury on the king, but that it must avoid civil war.²⁶ Referring to the papal electoral decree, the advocate insists just as firmly that no papal decree should be violated. It would be better that an impediment be created than that truth be sacrificed, he adds.²⁷ Later, in response to the

maiestas regia prerogativam hanc suae dignitatis amisit, quam et ex apostolicae sedis liberalitate percepit, et ex paterno imperialis fastigii iure successit ['susceperat,' Reindel tr., p. 548]? Quo, inquam, modo in Romana aecclesia dignitatis adeptae locum sine iudicio perdidit, qui Romanam aecclesiam non offendit?"

On December 23, 1045, the day of Clement II's coronation, Henry III was given the title of *patricius romanus*. De'Maria, *The Ecclesiastical and the Civil Power in St. Peter Damian*, p. 68; J. Joseph Ryan, *Saint Peter Damian and his Canonical Sources* (Toronto, 1956); #160, p. 87; #161, p. 88; #162, p. 88, for evidence of previous decree, "Huc accedit . . . confirmavit." Ryan accepts the arguments of Anton Michel, *Papstwahl und Königsrecht oder Das Papstwahl-Konkordat von 1059* (Munich, 1936), pp. 127–136. Heinemann, n. 5, p. 80 of MGH ed. suggests that the previous privilege was granted at Sutri in January 1059.

Krause admits that Petrus did not use the decree to justify the exclusion of the king from the procedures, and that he did not consider the "salvo . . . honore . . . Henrici" to be purely honorary. Rather, he concludes that the electoral decree served as the best weapon of the royal party, and as the greatest hindrance to the supporters of Alexander to justify his election. *Das Papstwahldekret von 1059*, pp. 156–157.

²⁴ MGH LdL 1:81: "Defensor: Privilegium invictissimo regi nostro ipsi quoque defendimus, et ut semper plenum illibatumque possideat, vehementer optamus. Porro autem Romana aecclesia multo nobilius atque sublimius quam mater carnis mater est regis. . . . Carnalis ergo mater adiuvat filium in rebus terrenis, et mater aecclesia filio suo regi praebere non debet auxilium in spiritualibus donis."

²⁵ Ibid.: "Optende quod vis, argumentare quod placet, dummodo constet, quia nullatenus debuit immutari, quod papa concessit, quod decreto constituit, quod scriptione firmavit." Ryan, *Canonical Sources*, #162, p. 88; Kempf concedes that Nicholas II had confirmed the right of consent exercised by Henry III and Henry IV, but he notes the reasons that Petrus Damiani gave for not observing the electoral decree at the election of Alexander II: (1) minority of Henry IV; (2) need for haste (3) hostile position of the German court that had annulled all of Nicholas' decrees. "Petrus Damiani und das Papstwahldekret von 1059," pp. 83–84.

²⁶ Ibid., 83: "Glorioso regi nobis eligendo pontificem absit, ut nos intulissemus iniuriam; cum ad hoc nos, sicut superius dictum est, necessitas impulerit, non rapina."

²⁷ Ibid.: "Advocatus: Quid michi omnia haec, dum constet, quia quicquid accideret, nullo pacto Sancti papae sententiam debuistis infringere, nulla ratione synodalis decreti mysterium licuit violare? Sicut enim scriptura perhibet: 'Melius est, ut oriatur scandalum, quam ut veritas relinquantur.'"

defender's request to explain, the advocate elaborates on how Nicholas had constituted the decree at the synod with unanimous approval.²⁸

The advocate repeats the excuse of Alexander's electors that they had not been able to seek imperial consent because the perils surrounding the election demanded the utmost haste.²⁹ Yet, he complains, even within the space of three months since the death of Nicholas II, the papacy still had not sought the consent of the king. The defender retorts that it was not the fault of the church, but rather that of the regency itself.

He regretfully reminds the advocate that in a council, representatives of the regency and German bishops had annulled all of the acts of Nicholas II including the privilege that Nicholas had granted to the king [the papal electoral decree].³⁰ The defender states that the king was innocent, and avers that he should not have had to suffer and to lose one of his rights because of the insolence of others.³¹ The defender's assertion was historically accurate, for in 1060 such a council had condemned Nicholas, and had declared his decrees, including the papal electoral decree, to be null and void.³²

²⁸ Ibid., 85–86: "Sinodalis enim decreti pagina, quam cum concilii totius assensu beatus [Nicolaus] papa constituit, cui propriae manus articulum indidit, quam tot episcoporum venerandus celebrisque conventus subscriptione firmavit, anathematis vinculo iuxta morem carere non potuit. Unde vos pro compassione vel condescensione, nescio quam dicitis, furentis populi nequaquam vosmet ipsos deberetis tam inenodabilis sententiae nexibus irretire."

²⁹ Ibid., 87: "Dicitis, quia necessitate constricti, et velut angusti temporis brevi spatio coartati nequaquam potuistis in electione pontificis expectare consensum regiae maiestatis."

³⁰ Ibid.: "Rectores enim aulae regiae cum nonnullis Teutonici regni sanctis, ut ita loquar, episcopis conspirantes contra Romanam aecclesiam, concilium collegistis, quo papam quasi per sinodalem sententiam condemnastis, et omnia, quae ab eo fuerant statuta, cassare incredibili prorsus audacia presumpsistis. In quo nimirum non dicam iudicio, sed preiudicio id ipsum quoque privilegium [decree of 1059], quod regi predictus papa contulerat, si dicere liceat, vacuastis. Nam dum, quicquid ille constituit, vestra sententia decernente destruitur, consequenter etiam id, quod ab eo regi prestitum fuerat, aboletur." Ryan, *Canonical Sources*, #168, p. 89; says the date is uncertain, but possibly the summer of 1060; "In quo . . . aboletur." refers to privilege prior to papal electoral decree; id., #169, p. 89; Capitani suggests that possibly Anno of Cologne was behind the rupture between Nicholas II and the German court resulting in the nullification of Nicholas II's decrees. *Tradizione ed Interpretazione*, p. 172.

³¹ Ibid.: "Sed absit a nobis, ut propter cuiuslibet hominis insolentiam rex, qui innocens erat, quantum ad nos, rem sui iuris amittat, et quem auctore Deo votis omnibus praestolamur ad imperiale fastigium."

³² The only record of the council is from complaints by supporters of Nicholas. Besides Petrus Damiani, e.g. *Deusdedit*, *Liber contra invasores et simoniacos et reliquos scismaticos* MGH LdL 2:292–365; p. 309: "Sunt item qui obiciunt Nicolaum iuniorem

After commiserating with the king over the loss that he had to endure because of the actions of others, the defender speaks of the legation of Cardinal Stephen to the royal court. Refused entry by the king's retainers, the defender laments, Stephen waited five days before departing.³³ The defender complains that although the behavior of the royal court violated a pact of friendship, the Roman church wished to maintain good relations with the king instead of exagger-

decreto synodico statuisset, ut obeunte apostolico pontifice successor eligeretur et electio eius regi notificaretur; facta vero electione et, ut predictum est, regi notificata, ita demum pontifex consecraretur. Quod si admittendum est, ut ratione factum dicatur, obicimus ad hoc confutandum prefatum regem et optimates eius se ea constitutione indignos fecisse: primum, quia postea prefatum Nicholaum Coloniensem archiepiscopum pro suis excessibus corripuisse graviter tulerunt eumque huius rei gratia, quantum in se erat, a papatu deposuerant, nomenque eiusdem in canone consecrationis nominari vetuerunt; ideoque decretum eiusdem iure irritum esse debebit . . ."

Die Briefe des Petrus Damiani, ed. Reindel, n. 89, p. 560; Gerold Meyer von Knonau, *Jahrbücher des Deutschen Reiches unter Heinrich IV. und Heinrich V.* 1 (Berlin, 1890, repr. 1964), p. 181 & Excurs VIII., "Die Sendung des Cardinals Stephan an den deutschen Hof und die Verurteilung des Papstes Nikolaus II.", pp. 684–687, esp. p. 684; Geoffrey Barraclough, *The Medieval Papacy* (New York, 1968, repr. 1970), p. 79. These authors are interested in the council because of what it says about the deteriorating relationship between the papacy and the regency rather than for its implications for the papal electoral decree. Michael Stoller, following Krause and other scholars, dates the council to 1061 just before the death of Nicholas. "Eight Anti-Gregorian Councils," *Annuaire Historiae Conciliorum* 17 (1985), 252–351, n. 11, p. 256.

³³ LdL 1:87–88: "... Stephanus cardinalis presbyter apostolicae sedis, vir videlicet tantae gravitatis et honestatis nitore conspicuus, tantis denique, sicut non obscurum est, virtutum floribus insignitus, cum apostolicis litteris ad aulam regiam missus, ab aulicis administratoribus non est admissus, sed per quinque fere dies, ad beati Petri et apostolicae sedis iniuriam pro foribus mansit exclusus."

The legate, Cardinal Priest Stephen of San Grisogono, was an important advisor to Hildebrand and his party. Petrus Damiani gives no date for his legation, but Reindel says that it took place after Stephen's return to Rome from France at the beginning of 1060, and after the condemnation of Nicholas in the German synod. *Die Briefe des Petrus Damiani*, n. 1, pp. 62–63; n. 92, p. 561; Stürner ("Salvo debito," p. 34) questions the hypothesis that he was sent to receive assent to Alexander's election. Gregorovius (*Rome in the Middle Ages*, 4.1, p. 129) claims that the reformers in Rome sent Stephen to Germany before the election, and that when he was refused admittance, Hildebrand engineered the election of Alexander II. Scheffer-Boichorst argues that the date was not necessarily 1061. *Die Neuordnung*, pp. 119–122; Hefele/Leclercq, *Histoire des Conciles* 4.2, pp. 1209–1210 attribute much of the hostility between the German court and the papacy to the regency of Anno of Cologne. They claim that it was probably Anno who rejected the legation of Stephen that they estimate to have been in May, 1059. Hüls *Kardinäle*, pp. 169–170 & n. 5 claims that the delegation was sent under Nicholas II, but admits that the date remains contentious. See also Baix, "Cadalus," p. 77; Robert Somerville, "Cardinal Stephen of St. Grisogono: Some Remarks on the Legates and the Legatine Councils in the Eleventh Century," pp. 157–166 of *Law, Church, and Society: Essays in Honor of Stephen Kuttner*, ed. Kenneth Pennington & Robert Somerville (Philadelphia, 1977).

ating what it had endured.³⁴ It was the second time that the defender had sought to differentiate the king from the regency, and to show respect for the rights of the king.

From this account, one cannot be sure when Stephen was dispatched to the German court. The two probable occasions would have been after the council of 1060 to try to restore good relations with the regency, or in 1061 to announce the election of Alexander after the fact. On either occasion the regency would have had cause to refuse to meet him.

After condemning the election of Cadalus the defender asks who, then, ought to be preferred. Should it be he who was elected by one man, who had been condemned by anathema? Or should it be he whom the cardinal bishops unanimously called, whom the clerics elected, whom the people welcomed, and who was elected not in lands at a far distance, but within the walls of Rome in the bosom of the apostolic church?³⁵ The questions required no answer.

The defender's detailed description of Alexander's election omitting any mention of the emperor may have nothing to do with which version of the decree was drafted at the Lenten Council of 1059. Here, he is merely contrasting a patently illegal election, with one which is far more orthodox. The perhaps intentionally succinct descriptions of the electoral decree and the admission of its consistency with the rights of the *patricius* at the beginning of the dialogue are far more indicative of the provisions of the original decree. Wishing to gain the support of the royal party, Petrus could not distort what the regency knew to be the original decree. His only option was to argue that it was not applicable, and here he came up with two reasons: (1) It did not apply because the king was a minor, and (2) the Germans themselves had annulled it. The *Disceptatio* is the most direct admission by an eyewitness to the promulgation of decree that version B

³⁴ Ibid., 88: "Verumtamen Romana aecclesia non vult exaggerare quod pertulit, sed perseverare cupit in munere, quod regio culmini liberaliter prerogavit."

³⁵ Ibid., 91: "Quis ergo istorum iusto videbitur examine preferendus, utrum is, quem elegit unus vir perpetuae maledictionis anathemate condemnatus, an ille potius, quem cardinales episcopi unanimiter vocaverunt, quem clerus elegit, quem populus expetivit, non in extremitate terrarum, sed intra moenia Romanorum et in ipsius sedis apostolicae gremio?"

Bernhardi finds Petrus Damiani to be the most persuasive counter witness to the validity of version B, but discounts his writings because of his predisposition in favor of his own rank as cardinal bishop. "Das Decret Nicolaus II.," pp. 403-404. Stürmer, ("Salvo debito," pp. 35-36) points out that Petrus did not tie the participation of the cardinal bishops in papal elections to the papal electoral decree.

was genuine. The fact that Petrus was not a royal apologist makes his revelation all the more convincing.

Hildebrand orchestrated Alexander's election according to procedures that Panvinus described as a *new* initiative—"tempus uenisse opportunum ratus quo Ecclesia Romana in electione suorum pontificum diu serua in pristinam reduci posset libertatem . . ."³⁶ This "new initiative" may have been undertaken in the summer of 1059 when Hildebrand and Nicholas transferred the role of "protector" of the papacy from the emperor to the Normans. In their oath of vassalage taken to solemnize their new alliance with the papacy the Normans promised to assure that papal elections be carried out in an orderly fashion.³⁷ The reason for the emperor's role in papal elections was thus dissolved, and the electoral decree of 1059 acknowledging his role became an awkward relic giving him power that the papacy now wanted to deny. To make new procedures minimizing his participation official, the original papal electoral of 1059 was destroyed, and a new version fabricated.³⁸ There was little that the regency could do, since the council included it among the acts of Nicholas II that it declared to be null and void.

The Election of Gregory VII

Gregory VII did not attempt to demonstrate that his own election conformed to the papal electoral decree.³⁹ Wido of Ferrara, who at first had supported Gregory, avers that Gregory's election violated

³⁶ Clm 148, fol. 105v.

³⁷ *Liber Censuum* 1:421: "Etsi tu vel tui successores ante me hac vita migraveritis, secundum quod monitus fuero a melioribus cardinalibus clericis Romanis et laicis, adjuvabo ut papa eligatur et ordinetur ad honorem sancti Petri." De'Maria, *The Ecclesiastical and the Civil Power in St. Peter Damian*, p. 72. The hypothesis is mine.

³⁸ One can respond to this hypothesis that Nicholas II had already referred to the role of the cardinal bishops in his encyclical. PL 143:1315; See also a later decree expressing the same principles. Johannes Mansi, *Sacrorum Conciliorum Nova, et Amplissima Collectio* 19 Venice, 1776), p. 899. In the previous chapter I have already noted that Bernhardi argued that the encyclical and the canons of Deusdedit were distorted by interpolations. "Das Decret Nicolaus II.," pp. 400–401. Scheffer-Boichorst, *Die Neuordnung*, pp. 55–61 disputes his reasoning, and Hefele/Leclercq claim to have destroyed it. Nevertheless, Bernhardi demonstrates how difficult, if not impossible it is to find evidence that cannot be disputed.

³⁹ Krause, *Das Papstwahldekret von 1059*, pp. 158–160; Krause asserts that the electoral decree played no role, and that there is no mention of prior consultations of cardinal bishops. p. 169: "Das Dekret hat weder in der Praxis als Richtschnur gedient

the decree.⁴⁰ He says that there were two conflicting accounts of the election, and that one was certain, and the other was not. For this reason, he states, men understandably argued about them.⁴¹ He then describes the electoral decree of Nicholas II and the reasons that necessitated the regulation of papal elections.

He relates that compelled by necessity, Nicholas congregated 123 bishops. Together they sanctioned and ordained that henceforth, whosoever defied the apostolic spirit, and assented to the election of any pope without the consent of the emperor (namely, Henry) and his successors, should receive the sentence of perpetual anathema.⁴² The decree was needed, he continues, because when a pope died, individual Roman counts, driven by avarice, elected individual popes. Sometimes there were as many as four or five.⁴³ This situation produced innumerable conflicts, resulting in the dissipation of the treasure of the Roman see. Whoever distributed the most money became pope.⁴⁴

noch im offiziellen Wahlprotokoll Berücksichtigung gefunden; es hat weder das Verhalten Gregors bestimmt noch Einfluss auf sein oder anderer Rechtsbewusstsein gehabt. Es war vergessen oder ist zumindest unbeachtet geblieben und hat keine erkennbare Bedeutung gehabt." Krause (p. 170) points out that all references to the electoral decree in the polemical literature during the Investiture Contest were on the anti-Gregorian side.

⁴⁰ Wido of Ferrara, *De Scismate Hildebrandi* MGH LdL 1:529–567, p. 552: "Decreti ergo huius constitutione neglecta, et anathematis cura postposita, non expectato regis assensu, mentem ad apostolatum Ildebrandus intendit, seque anathematis vinculis et omnes suos complices obligavit. Hinc igitur electionem illius improbant, arguunt et condempnant, nec eam electionem, sed deiectionem vocant: quia aut constitutio illa synodalis Nicholae papae iniusta videbitur, quod dici nefas est, quia nichil iniustum Romana sedes aliquando promulgavit nec aliquid impium Deo auctore constituit; aut si iusta fuit—et Romanae ecclesiae salva fide novum aliquid condere semper licuit et licebit—constat Ildebrandum non iure electum et maledictionis illius incurrisse periculum."

⁴¹ Ibid., 551: "Duo in eius [Hildebrand] electione concurrunt, quae non inmerito ab aliquibus arguuntur. Sed horum alterum certum, alterum incertum est."

⁴² Ibid.: "Aiunt enim, quod Nicholaus Romanae sedis episcopus, congregatis episcoporum plurimis, centum scilicet viginti tribus, mira necessitate compulsus communiter sancxerit et salubriter ordinaverit, ut quicumque deinceps ad apostolatum animus interdisset, vel electioni cuiuslibet apostolici prebuisset assensum et operam impendisset absque consensu et opera christiani principis, Heinrici scilicet imperatoris et successorum eis, perpetui anathematis sententiam excepisset."

⁴³ Ibid.: "Id autem ea necessitate decretum est, quod omnes Romani comites, sicut semper fuit avaricia Romanorum, decedente Romanae sedis episcopo, singuli, prout ferebat animus singulorum, singulos apostolicos eligeant, ut interdum quatuor et quinque episcopos Romana sedes haberet."

⁴⁴ Ibid.: "Hinc contentiones innumerae, caedes et bella, turbationes et iurgia exoriri. Fretus quisque multitudine militum et suffragio propinquorum, quicquid Romanae ecclesiae poterat rapiebat. Distrahebatur praedium Romanae sedis in partes innumeras,

Wido adds that at length, with the desire and consent of all, Gerard, bishop of Florence was elected pope, and was confirmed by all of the clergy and cardinals. Taking the name of Nicholas, the new pope agonized over the conditions surrounding papal elections, where simony and heresy flourished. Seizing the initiative, he called the council that produced the decree on papal elections.⁴⁵ Wido claims that he has read a copy of the decree and the names of all of the bishops who were present.⁴⁶ He then contends that the election of Hildebrand did not conform to it.

Beno, Gregory's arch critic, began writing a critique of Gregory's reign shortly after his death. In his polemic Beno claims that Gregory's election was illegal. Without distinguishing among orders, he asserts that no cardinal subscribed to it.⁴⁷ In what may have been legend, but which nevertheless reflects the coolness of Montecassino to Gregory's election, Beno quotes Desiderius. He reports that when Gregory chastised Desiderius for arriving too late for the election, the abbot replied, "And you, Hildebrand, have hurried too much; with your lord pope not yet buried, against the canons, you usurped the apostolic see."⁴⁸

One of the few certainties to emerge from the conflicting legends and accounts of Gregory's election is that it did not conform to either version of the electoral decree.⁴⁹ As in the case of Alexander II, with

et is novissime omnium probatissimus et melior apostolicus habebatur, qui maiorem Romani pecuniam contulisset."

⁴⁵ "... Tandem sicut Domino placuit, Gerardus Florentinae sedis episcopus, natione Burgundicus, omnium desiderio et consensu ad apostolatum promotus, ab omni clero et cardinalibus confirmatus, dictus alio nomine Nicholas, Romanae ecclesiae miseriam ingemisceret symoniace hereseos periculum expavescens, volens huiusmodi perversam consuetudinem ex Dei virtute succidere, synodum statuit, in qua confirmantibus omnibus iuxta modum superiores comprehensum anathema constituit."

⁴⁶ Ibid.: "Cuius exemplo formam Romae legimus, et episcoporum omnium nomina, qui causae intererant, subter notata conspeximus."

⁴⁷ *Gesta Contra Hildebrandum* MGH LdL 2:380, #12: "Alexandro igitur sub miserabili iugo Hildebrandi quodam vespere defuncto, eadem hora Hildebrandus a suis militibus sine assensu cleri et populi, est intronizatus, timens, ne alius per moram eligeretur. In cuius electione nullus cardinalium subscripsit." See n. 9 above.

⁴⁸ Ibid.: "Ad quem cum veniret abbas Cassinensis, ait ipse Hildebrandus: 'Frater, nimium tardasti.' Respondit abbas: 'Et tu, Hildebrande, nimium festinasti, qui nondum sepulto domino tuo papa, sedem apostolicam contra canones usurpasti.' Hoc modo intronizatus Hildebrandus, qualiter vixerit, qualiter a se cardinales, qui testes vitae et doctrinae eius esse debuerant, removerit..." Cowdrey, *The Age of Desiderius*, pp. 66-67.

⁴⁹ Mirbt, (*Die Wahl*) repeatedly makes this point. e.g. p. 18: "Es ist auffallend, dass der Wahlakt nicht an dem Wahlgesetz von 1059 geprüft, überhaupt verhält-

the exception of Petrus Damiani's oblique references, only his opponents cited the decree.⁵⁰ At first his supporters tried to defend him from their charges of violating the decree, but then, taking a different tack, each in his own way denied its binding power.⁵¹ It was a move from weakness, for if the decree were not binding, there was no reason to defend Gregory against charges of violating it.⁵²

The role of the cardinal bishops did not even emerge as an issue. The oldest report originates with Gregory himself in a letter he wrote to Desiderius on April 23, two days following his election. He states that three days after the death of Alexander discussions were underway for electing a successor. But during the burial in the church of the Holy Savior [the Lateran] a great tumult and roaring of the people arose, and they pounced upon me like madmen.⁵³ Three days

nismässig wenig erörtert wird." p. 26: "An dem Widerspruch zwischen dem tatsächlichen Wahlverlauf und dem Wahlgesetz (1059) ist durch Gregors Selbstbekenntniss jeder Zweifel ausgeschlossen. Die Gesetzeswidrigkeit des Wahlaktes als ganzen steht fest. Recht hat Desiderius von Monte Cassino, wenn er wirklich die Wahl 'non secundum deum' genannt hat." p. 40: "Die Prüfung der Wahl Gregors an dem eben genannten Wahlgesetz konnte kein anderes Ergebnis haben, als die radikale Verletzung desselben ans Licht zu stellen. Der Schluss lag nahe: also haben bei dieser Wahl auch diejenigen Ausschreitungen stattgefunden, welchen das Dekret in erster Linie vorbeugen wollte." Stürner, "Salvo debito," pp. 44-45.

⁵⁰ Ibid., 37; I am skeptical of Mirbt's conclusion that the Council of Worms in 1076 referred to the "genuine" decree (version A), but the Council of Brixen in 1080 to the "forgery" (version B). Although the Council of Worms mentions the approbation of the people, it does not distinguish the cardinal bishops from the other orders.

The letter of the German bishops to Gregory VII from the Council of Worms, January 24, 1076, MGH Deutsches Mittelalter 1, *Die Briefe Heinrichs IV*, ed. Carl Erdmann (Leipzig, 1937), pp. 65-68 at pp. 67-68: "Tu ipse tempore bonae memoriae H. imperatoris te ipsum corporali sacramento obstrinxisti, quod numquam vivente ipso imperatore aut filio eius domno nostro glorioso rege, qui modo summae rerum preest, papatum aut ipse susciperes aut alium, quantum in te esset, suscipere patieris absque assensu et laudamento vel patris, dum viveret, vel filii, dum et ipse viveret. . . Praeterea cum tempore Nicolae papae synodus celebraretur, in qua CXXV episcopi conederant, sub anathemate id statutum et decretum est, ut nullus umquam papa fieret nisi per electionem cardinalium et approbationem populi et per consensum auctoritatemque regis. Atque huius concilii seu decreti tu ipse auctor, persuasor subscriptorque fuisti." Also ed. MGH Const. 1:108.

Decretum Synodi, Brixen, June 25, 1080, MGH Const. 1:119: "His itaque questibus pecunia cumalata, abbatiam beati Pauli invasit, supplantato abbate. Inde arripiens archidiaconatum, quendam nomine Mancium, ut sibi officium venderet, decipiendo seduxit; et Nicolao papa nolente, tumultu populari stipatus in eonum se promoveri coegit." The council also cites the papal electoral decree in the context of the election of Alexander II. See n. 9 above. Stürner, "Salvo debito," pp. 44-45.

⁵¹ Ibid., 37-38. The three were Bonitho, Deusdedit, and Bernhard of Hildesheim.

⁵² Ibid., 51; Mirbt is hardput to explain why the decree was not observed.

⁵³ Erich Caspar, *Das Register Gregors VII*, 1, books 1-4 (Berlin, 1920, repr., 1967),

later Gregory added details in a letter to Archbishop Wibert of Ravenna. He reported that without benefit of discussion or counsel, they forced me, although unwilling, to undertake the apostolic rule.⁵⁴

The *Commentarius electionis*, Gregory's protocol placed at the beginning of his Register, differs markedly from this description.⁵⁵ Although dated April 22, it clearly was written after his letters, and was intended to present the official version of his election. It states that in order that the apostolic see not remain vacant for a long time, the cardinals, clerics (or cardinal clerics), acolytes, subdeacons, deacons, and priests of the Holy Roman catholic and apostolic church met at S. Pietro in Vincoli. There, surrounded by venerable bishops and abbots, clerics and monks, and with the acclamation of crowds of both sexes and various orders, they elected the archdeacon, Hildebrand, as pastor and highest pontiff. The absence of any differentiation of the cardinal bishops from other cardinals shows that Gregory made no attempt to harmonize the protocol with version A.

Gregory's opponents all complain that he did not seek the approval of the emperor, but it appears probable that he did inform

I, 1., p. 3; April 23, 1073: "Sed subito, cum predictus dominus noster papa in ecclesia Salvatoris sepulturae traderetur, ortus est magnus tumultus populi et fremitus et in me quasi vesani insurrexerunt . . ."

⁵⁴ Ibid., I, 3., pp. 5-6: "nil dicendi, nil consulendi facultatis aut spatii relinquentes violentis manibus me in locum apostolici regiminis, cui longe impar sum, rapuerunt. . . . quatenus ad ferendum onus, quod mihi invito et valde reluctanti impositum est . . ."

⁵⁵ Ibid., 1-2; Rome, April 22, 1073: ". . . ne sedes apostolica diu lugeat proprio destituta pastore, congregat in basilica beati PETRI ad Vincula nos sanctae Romanae catholicae et apostolicae ecclesiae cardinales clerici, acoliti subdiaconi diaconi presbyteri, presentibus venerabilibus episcopis et abbatibus, clericis et monachis consentientibus, plurimis turbis utriusque sexus diversique ordinis acclamantibus, eligimus nobis in pastorem et summum pontificem virum religiosum, geminae scientiae prudentia pollentem, aequitatis et iustitiae prestantissimum amatorem . . . Heldibrandum videlicet archidiaconum, quem ammodo et usque in sempiternum et esse et dici Gregorium papam et apostolicum volumus et approbamus. 'Placet vobis?' 'Placet.' 'Vultis eum?' 'Volumus.' 'Laudatis eum?' 'Laudamus.'"

Robinson, *The Papacy 1073-1198*, p. 59; Robinson's punctuation of his translation differs from Caspar's in one crucial respect. He places a comma after "cardinales," making cardinals and clerics into two different categories. Mirbt, *Die Wahl*, p. 2, follows Caspar, but Panvinius interprets *cardinales* and *clerici* as two different categories. *De Cardinalium Origine*, ed. cit., p. 496. After noting that the people, and clerics other than the cardinals and the bishops surrounding Rome were excluded from the papal electoral decree of Innocent II he writes: "In electione quoque Gregorii VII . . . haec verba adnotata sunt. 'Nos sanctae romanae ecclesiae catholicae et apostolicae Cardinales, clerici, acolythi, diaconi, presbyteri, praesentibus venerabilibus episcopis, abbatibus, multisque tum clericalis tum laici ordinis eligimus . . .'" Hefele/Leclercq, *Histoire des Conciles* 5.1, pp. 22-25; n. 6, p. 23; n. 1, p. 24.

the emperor after his election.⁵⁶ Present at his consecration were the imperial chancellor of Italy, the marchesa, Beatrice, and the empress, Agnes. It was an auspicious beginning of a reign that would end in miserable exile. The circumstances did not augur well for his successor, Victor III, but the detailed accounts of Victor's election provide rich evidence for evaluating the papal electoral decree.

⁵⁶ Mirbt, *Die Wahl*, pp. 11–12, 31–32; Platina, *Le Vite de' Pontifici*, ed. cit., p. 234: "Ora dopo d'esse'andate, e venute molte legazioni, diventarono Arigo, et Gregorio amici, e l'Imperatore confermo nel Pontificato Gregorio, come solevano in quei tempi fare." Haller asserts that it is unthinkable that Henry confirmed Gregory's election. *Das Papsttum* 5, p. 600; Hefele/Leclercq, *Histoire des Conciles* 5.1, pp. 36–37.

CHAPTER FOURTEEN

THE DECREE: CONCLUSIONS

The evidence suggests that the elections of Alexander II, Cadalus (Honorius II), and Gregory VII did not follow either version of the electoral decree. Nevertheless, it is worthwhile to continue this line of investigation up to the schism of 1130, because partisans of Innocent II (1130–1143) invoked the vote of the majority of cardinal bishops as proof for the legality of his election. After assessing these elections, I shall return to the decree itself to see whether anything new can be gleaned from the oft-examined roles of the emperor and the laymen, and from the signatures to each version. In conclusion, I shall argue that it is at least possible that Farfa transmitted the genuine version of the decree.

The Election of Victor III

The *Liber Pontificalis* presents only scanty accounts of the elections of Victor III (1086) and Urban II (1088), but much is known from other sources.¹ According to two reports, Gregory VII on his death-bed suggested three successors, and Desiderius was not among them.² Without elaborating upon what he meant by “canonically,” Gregory also reportedly advocated that his successor be elected canonically and according to the authority of the holy fathers.³ Contrary to these two reports, the Chronicle of Montecassino states that Desiderius was Gregory’s choice as his successor.⁴

¹ *Lib. Pont.* 2, pp. 330–331; 337; In his brilliant book on Desiderius H. E. J. Cowdrey subjects the complexities of Victor’s election to acute analysis. *The Age of Abbot Desiderius*, pp. 181–206.

² Cowdrey, *The Age of Abbot Desiderius*, pp. 181–182; a group of Hildesheim letters in the Hanover letter collection; *Briefsammlungen der Zeit Heinrichs IV*, Briefe v. 75–6, #35; a small piece of parchment inserted between fols. 130–131 of the autograph ms. of the Chronicle of Hugh of Flavigny; Berlin, Deutsche Staatsbibliothek, Philipps 1870; fol. 130b; see MGH SS 8:466.

³ *Ibid.*, 185.

⁴ *Ibid.*, 183; Appendix VII: Abbot Desiderius’ Election as Pope according to the Montecassino Chronicle, pp. 251–256; *Chronica monasterii Casinensis*, MGH SS 34:447.

The chronicle relates that since the Roman church remained without a pastor, and the possibility of a schism was very real, Desiderius, along with bishops, cardinals and religious laymen sprang into action.⁵ Relying upon different sources, Panvinius claims that Desiderius did not wish to assume the burden himself because he would have incurred the wrath of the emperor.⁶ Whatever his true feelings were, a tangle of sources indicate that the Gregorians nominated him as pope at Rome in 1086. When his counterproposal of cardinal bishop Oddo of Ostia was vetoed, the bishops and cardinals along with the clerics and people elected him by force on May 24, 1086.⁷

Still firm in refusing to accept the office, he rejected the papal insignia, and returned to Montecassino. However, events conspired to make it possible for him to reconsider, and at Capua on Palm Sunday, 1087, he confirmed his previous election by accepting the papal insignia.⁸ His critic, Archbishop Hugh of Lyons, argued that since he had rejected his first election, and had branded its proceedings as uncanonical, there should be a new election.⁹ However, Hugh failed to win enough support for further action.

Even though his own election in no wise conformed to any version of the papal electoral decree, and even though some Gregorians

The account in the *Chronica* appears to be a conflation of three, sometimes conflicting reports.

⁵ MGH SS 34:447: "Et quoniam Romana ecclesia pastore destituta remanserat et heretici atque scismatici more luporum illam nitebantur invadere, Desiderius una cum episcopis et cardinalibus nec non et laicis religiosis . . . cepit unanimiter agere . . ." Cowdrey, *The Age of Abbot Desiderius*, p. 186.

⁶ Clm 148, fol. 148r: "Nolebat enim Desiderius ipse pugnam contra Imperatorem suscipere, quae procul dubio suscipienda esset, si electioni de se factae consensum prae buisset, res enim difficilis dura et aspera erat." Cowdrey, *op. cit.*, pp. 159–160; 188–190.

⁷ MGH SS 34:448–449; 448: "... iam circa vesperam congregati sunt pariter omnes tam episcopi et cardinales quam et ceteri Romani, qui in fidelitate beati Petri apostolorum principis perserverabant, in diaconiam sancte Lucie . . . ceperuntque omnes unanimiter Desiderium . . . obsecrare, ut Romanum pontificatum suscipere non recusaret . . ." Clm 148, fols. 148rv–149r; 149r: "... mox enim Episcopi et Cardinales una cum clero et populo Desiderii duritia substomachati, quum profecissent, vi agere instituerunt." Cowdrey, *op. cit.*, pp. 196–197, 252–253.

⁸ Ibid., 450: "Tandem cum dux et princeps una cum episcopis ceterisque catholicis viris flentes eius pedibus adiacerent, multis rationibus et orationibus coactus vix tandem succubuit et preteritam electionem crucis et purpure resumptione firmavit. . . ." Clm 148, fol. 151v: "... et unanimi concordia Episcopi et Cardinales, provincialesque antistites una cum Romano clero et populo parvitatem nostram modis omnibus contradicentem et renitentem apostolicae sedi praefecissent." Bernhardt, "Das Decret Nicolaus II.," p. 406.

⁹ Cowdrey, *op. cit.*, pp. 202–203.

judged it to be of dubious validity, in the Council of Benevento of 1087 Victor, nevertheless, condemned the election of Wibert (Clement III, 1080) as uncanonical. He asserted that the imperial army had placed Wibert on the apostolic see, and he charged that Wibert had acted against evangelical precepts, the decrees of the prophets and the apostles, the canons and the law of Roman pontiffs. Victor lamented that Wibert was made head of the Roman church without the preceding judgment of the cardinal bishops, the approval of the Roman clerics, and the consent of the people.¹⁰ These requisites for a canonical election have a familiar ring, recalling the papal defender's description of the election of Alexander II in the *Disceptatio*.

The only times that the Gregorians refer to specific regulations stipulated in version A is when they criticize the legality of the election of their opponents. Even then they do not identify the regulations with the decree of Nicholas II. Typically, on his deathbed Victor did not mention the decree, but he did cite "the statute of Gregory VII" when, like Gregory, he recommended his own successor—Oddo of Ostia.¹¹

The Elections of Urban II, Paschal II, Gelasius II and Calixtus II

The election of Urban II took place in Terracina in three sessions on March 8, 9, 12, 1088.¹² A large number of clerics and laymen,

¹⁰ MGH SS 34:453–454; p. 454: "... apostolice sedis invasor est factus [Clement III] contra precepta evangelica, contra prophetarum et apostolorum decreta, contra canonum et Romanorum pontificum iura nullo cardinalium episcoporum precedente iudicio, nullo Romani cleri approbante suffragio, nullo devoti populi fervore adibito in sancta Romana ecclesia ... est factus." Clm 148, fols. 151r–151v: "coacto Imperatoris exercitu apostolicae sedis invasor effectus est, contra praecepta evangelica, contra prophetarum apostolorumque decreta, contra canonum et Romanorum pontificum iura, nullo Cardinalium Episcoporum praecedente iudicio, nullo cleri Romani approbante suffragis, nullo devoti populi requisito consensu, sanctae Romanae ecclesiae totius nequitiae, ac perditionis caput effectus est." Cowdrey, op. cit., p. 261.

¹¹ Ibid., 456: "... convocatis eisdem episcopis atque cardinalibus monuit atque precepit, ut, iuxta quod predecessor suus papa Gregorius iam dudum decreverat, Othonem Ostiensem episcopum in papam eligere ... dicens 'Accipite eum et in Romanam ecclesiam ordinate meamque vicem in omnibus, quousque id facere possitis, habete.'" Clm 148, fol. 151v: "... ubi eis omnibus ad se convocatis monuit ac iussit iuxta Gregorii papae VII. statutum Othonem Ostiensem episcopum quamprimum electum pontificem constituerent ..." Cowdrey, *The Age of Abbot Desiderius*, p. 213.

¹² Ibid., 467: "... congregati sunt apud Terracinam Campanie civitatem cum episcopis et cardinalibus Romanis superius nominatis atque cum nostro abbate Oderisio archiepiscopi, episcopi atque abbates ex diversis partibus numero quadraginta,"

including Countess Mathilda and Benedictus, the prefect of Rome, met on the second day.¹³ They listened while the bishop of Tusculum spoke of things relevant to the election, and reiterated the pronouncements of Gregory VII and Victor III.¹⁴ Thereafter the bishop of Porto and the prefect of Rome reached a consensus with everyone present that they would recognize whomever was unanimously elected.¹⁵ All of the delegates assembled again on March 12 to discuss candidates. The three cardinal bishops who were the head of the council ascended the pulpit and named Bishop Oddo as the candidate to be elected. With one voice all called out their agreement.¹⁶ As contrasted with either version of the decree of Nicholas II, the cardinal bishops did not summon the other cardinals, but presented their candidate to the whole council, including the prefect, Benedictus, Countess Mathilda, and other lay people.

In the *Liber Pontificalis* Pandulphus describes the procedures and ceremony surrounding the election of Paschal II in 1099 in some detail, and they do not conform to the papal electoral decree. He states that the *patres cardinales et episcopi*, the deacons, and the leading men of the

Besides the Chronicle of Montecassino, papal letters are the best sources for the election of Urban II. JL 5348; JL 5349; JL 5364; Panvinus generally follows the Chronicle. Clm 148, fols. 154r–155v; Cowdrey, *The Age of Abbot Desiderius*, pp. 214–217; Alfons Becker, *Papst Urban II. (1088–1099)* pt. 1 (Stuttgart, 1964), pp. 91–97 & n. 1, p. 92 for other sources; Robinson, *The Papacy*, p. 36, states that it was the cardinal bishops who rallied the shattered Gregorian party in 1088 by electing Urban II. See also Hans-Walter Klewitz, “Die Entstehung des Kardinalkollegiums,” *Reformpapsttum und Kardinalkolleg* (Darmstadt, 1957), pp. 35–36, 39, 115.

¹³ Clm 148, fol. 154v: “Congregati igitur episcopi et Cardinales in unum cum abbate montis Cassini Oderisio Cardinale Romanos clericos et Laicos fideles . . .”

¹⁴ MGH SS 34:468: “. . . Tusculanensis episcopus retulit per ordinem omnia que de ordinatione ecclesie vel papa Gregorius antea vel postmodum papa Victor statuerant, simul etiam quam ob causam ipsimet universi tunc in eodem loco convenerant.” Clm 148, fol. 155r: “. . . surgit in medium Joannes Tusculanus Episcopus Cardinalis et cuncta per ordinem rettulit, quae de ordinatione ecclesiae, et Gregorius VII. primum, et postmodum Victor Papa III. mandassent, ob quam rem et ipsi eo tum convenerant.” Note the absence of reference to the papal electoral decree.

¹⁵ Ibid.: “Dehinc surgens episcopus Portuensis et Benedictus prefectus retulerunt et ipsi tam clericorum quam laicorum fidelium a Roma super hoc negotio legationem pariter atque consensum, videlicet ut, quemcumque ipsi tunc unanimi voto ad hoc officium promoverant, eundem omnes pari et simili consensu in apostolica sede statuendum reciperent.”

¹⁶ Ibid.: “. . . exurgentes tres cardinales episcopi, qui caput eiusdem concilii erant, Portuensis scilicet, Tusculanensis et Albanensis, ambonem ascenderunt factoque silentio uno simul ore pronuntiant Ottonem episcopum placere sibi in Romanum pontificem eligendum. Cumque utrum omnibus idem quoque placeret, sicut est consuetudo, requirerent, repente mirabili ac summa concordia omnes magna voce hoc sibi placere dignumque illum universi conclamant apostolice sedis papam existere.”

city—the *primiscinii* and the scribes of the regions—gathered together in the church of St. Clemente. There, they tried to convince its cardinal priest, Rainerius, not to flee the burden of the papal office, and told him that the people of the city wished him to be their shepherd. “Behold, the people of Rome wish you to become their pastor. The clergy elects you, and the fathers highly commend you.”¹⁷

Only with the election of Gelasius II in 1118 do the cardinal bishops become an issue. Pandulphus states that after the death of Paschal II, Peter, bishop of Porto, who for a long time had held the primacy after the pope, called together all of the cardinal priests and deacons to discuss the election of a new pope.¹⁸ He relates that the [cardinal] bishops approved the election, and he emphasizes that this was their only right—to approve or reject the elect.¹⁹ Some scholars point out, however, that Pandulphus wrote this account during the reign of Anaclet II, whom he supported, and against whom a majority of cardinal bishops had voted. They suggest that he tailored his account to imply that the lack of votes of the cardinal bishops did not invalidate Anaclet’s election. This hypothesis is, of course, only speculation, and Peter of Porto was not alone in his opinion. We have only to remember that Deusdedit took a similar position on cardinal bishops.

The elections of Calixtus II in 1119 and Honorius II in 1124 were too irregular to be relevant to the decree. Calixtus was elected at Cluny by local prelates and the handful of cardinals and clerics who had accompanied Gelasius II into exile. Pandulphus does not list any cardinal bishops who had departed with Gelasius for France, but letters from Rome confirming the election of Calixtus II refer to

¹⁷ *Lib. Pont.* 2, p. 296: “Non sic, aiunt patres, non sic fatias oportet, sed illuc tua se debet cohibere intentio quo divini intuitus cognoveris se infigere sententiam. Ecce te in pastorem sibi dari expetit populus Urbis, te eligit clerus, te collaudant patres, denique in te solo totius ecclesiae quievit examinatio. Divinitus ista proveniunt, divinitus hic congregati in nomine Domini te ad summi pontificatus apicem et eligimus et confirmamus.” Bernhardi, “Das Decret Nicolaus II.,” p. 406; Robinson, *The Papacy*, p. 62.

¹⁸ *Ibid.*, 312: “Interim autem Paschale papa defuncto, venerabilis pater domnus Petrus, Portuensis episcopus, qui primatum post papam per longa iam diutius tempore detinuerat, cumque eo omnes presbiteri ac diaconi cardinales de eligendo pontifice, et in commune communiter et singulariter singuli, pertractare ceperunt.”

¹⁹ *Ibid.*, 313: “Nec mora: captus ab omnibus laudatur ab omnibus, approbatur ab omnibus, necnon etiam ab episcopis, quorum nulla prorsus est alia in electione praesulis Romani potestas nisi approbandi vel contra, et ad communem omnium, cardinalium primum et aliorum, petitionem electo manus solummodo imponendi.” Robinson, *The Papacy*, p. 63; Bernhardi, “Das Decret Nicolaus II.,” p. 406.

cardinal bishops among his electors.²⁰ In the *Liber Pontificalis* both Pandulphus and Boso speak only of cardinals as electors.²¹ Honorius II came to power in a kind of putsch. The Frangipani overthrew the legally elected candidate, and imposed Honorius over stiff opposition led by the Pierleoni. Bribes secured the recognition of cardinals of all orders.²²

The elections of Innocent II and Anaclet II in 1130 were likewise irregular, but the role of cardinal bishops again became a factor. Boso says that the bishops and cardinals divided themselves into two parts, but the greater and more sound part voted for Innocent.²³ Bernard of Clairvaux emphasized that the majority of the cardinal bishops voted for Innocent II, and argued vigorously that he was the legally elected pope.²⁴ With equal conviction Cardinal Bishop Peter

²⁰ Ibid., 317: "Exierunt cum eo [Gelasius] domnus Iohannes Cremensis, Guido sante Balbine, et de diaconis cardinalibus domnus Petrus Leonis, Gregorius sancti Angeli, Roscemannus atque Grisogonus." Peter, cardinal bishop of Porto, writes to the electors in Cluny from Rome in March 1119 after he had called a council to approve the election. "Dilectis in Christo fratribus episcopis cardinalibus et ceteris clericis sive laicis, qui cum papa Gelasio fuerunt, P[etrus] Portuensis episcopus salutem in Domino..." Jaffe, *Bibliotheca Rerum Germanicarum 5 Monumenta Bambergensia*, #192, p. 348; Two cardinal bishops write separately to urge Calixtus to summon a council to bring peace and to liberate the church. "Karissimis in Christo fratribus episcopis cardinalibus beati Petri, qui ultra montes sunt, fratres, qui Romae sunt, salutem." Ibid., #197, pp. 351-352.

²¹ Ibid., 322, Pandulphus: "Hic [Guy of Vienne] a cardinalibus qui cum papa Gelasio iam Cluniaco sepulto ab Urbe in Franciam venerant, dum esset archiepiscopus Viennensis in papam Calixtum electus est." Ibid., 376, Boso: "Hic post obitum pape Gelasii a cardinalibus qui cum eo venerant, consentientibus quoque ceteris episcopis et cardinalibus qui Rome remanserant..."

²² Ibid., 327; Pandulphus: "Calixtus papa defuncto, omnes patres de curia cardinales et alii, praesertim Petrus Leonis et Leo Fraiapane, pariter condixerunt. Unde licet maxima discordia et tumultus emergerit, tamen postea pacificatis omnibus et ad concordiam redactis in papam Honorium sublimatur." Ibid., 379; Boso: After the overthrow of Theobald and the imposition of Honorius: "Fratres vero, tam episcopi quam presbyteri et diaconi cardinales... ad eius vestigia prociderunt et tanquam pastori suo et universali pape consuetam obedientiam sibi exhibuere."

²³ Ibid., p. 380: "... Episcopi et cardinales in partes duas se contulerunt, set melior et sanior pars eidem Innocentio..."

²⁴ *Sancti Bernardi Opera 7, Epistolae I. Corpus Epistolarum 1-180*, ed. J. Leclercq & H. Rochais (Rome, 1974), Ep. 126, Bernardus ad Episcopos Aquitaniae pp. 309-319, p. 318: "Dehinc si electiones discutias, nostri itidem mox occurrunt et promotione purior, et ratione probabilior, et prior tempore. Porro de tempore constat; reliqua duo merita prebent, et dignitas eligentium. Hanc enim, ni fallor, partem saniozem invenies, tam episcopos, quam cardinales diacones sive presbyteros, et quorum maxime interest de electione summi Pontificis, et quanti in eligendo iuxta Patrum scita sufficiant."

Franz-Josef Schmale, *Studien zum Schisma des Jahres 1130* (Cologne, Graz, 1961) p. 227 & n. 27; Schmale is skeptical that the papal electoral decree played much of

of Porto contended that the cardinal bishops only had the right to approve the pope elected by the other orders. Writing to the cardinal bishops who had voted for Innocent he admonished: "Finally, it was neither for you nor for me to elect, but rather to reject or approve him who had been elected by our brethren."²⁵

In this election as in the others, no one appealed directly to the decree of Nicholas II to justify the legality of the election. Polemical literature such as the *Disceptatio* delineated procedures, but only imperial sympathizers referred directly to the decree. Those like Victor III, who, in his criticism of the legality of the election of Clement III cited procedures found in version A, did not identify those procedures with the decree of Nicholas II. Neither did Bernard of Clairvaux speak of the decree in weighing the support of the cardinal bishops so heavily in the election of Innocent II. So much literature emphasized the prestige of the cardinal bishops, that those who stressed their involvement in papal elections could have been influenced by any number of works other than the decree itself. Some of this literature, including the encyclical of Nicholas II, could also have been contaminated or forged. Out of this confusion it is impossible to conclude that the decree promulgated in the Lenten Council of 1059 was version A.

The Role of Laymen in the Decree

Version A stipulates that laymen have the right to applaud the election, and if it cannot be held within the city, to participate in finding a suitable location.²⁶ Although laymen may have been subsumed under the rubric of "reliqui . . . sequaces" in version B, nevertheless they

a role in the decision of the French for Innocent, even though the "papal" version was widespread in France. Bernhardt, "Das Decret Nicolaus II.," pp. 407-408; Robinson, *The Papacy*, pp. 69-76; Stroll, *The Jewish Pope*, p. 92.

²⁵ Peter's letter is transmitted in *The Historia Novella by William of Malmesbury*, tr. K. R. Potter (London, Edinburgh, Paris, Melbourne, Toronto, New York, 1955), p. 8.

²⁶ Jasper, *Das Papstwahldekret, version A*, p. 102: "... sicque reliquus clerus et populus ad consensum nove electionis accedant. . . (p. 105) electio fieri in urbe non possit, cardinales episcopi cum religiosis clericis catholicisque laicis, licet paucis ius potestatis optineant eligere apostolicae sedis pontificem ubi congruentius iudicaverint." version B: p. 105: "Quod si . . . electio fieri in urbe non possit, licet pauci sint, ius tamen potestatis optineant eligere apostolicae sedis pontificem, ubi cum invictissimo rege congruentius iudicaverint."

are not referred to directly.²⁷ This omission departs from the democratic traditions of lay and clerical participation in papal elections, but it may make historical sense. Noble factions in and around Rome had imposed Benedict X on a divided church, and at the time of the Lenten Council of 1059 Hildebrand and Nicholas had just broken their grip in Rome. One can imagine that those drawing up the decree would have been wary of granting them any substantive power in papal elections.²⁸

Under Innocent II the tendency to diminish lay participation appeared to take a quantum leap. Anaclet II had garnered the support of the clergy and the people, and Innocent believed that without that support the schism would not have occurred.²⁹ Concluding that the decree of Nicholas II had not adequately dealt with this problem, he raised it in the Lateran Council of 1139, summoned to resolve the issues left in the wake of the schism. According to Panvinius he annulled the decree of Nicholas, and then issued a new decree removing the clergy and people from papal elections. The new decree granted all authority to the cardinals supplemented by the cardinal bishops ("quibusdam episcopis finitimis adiectis").³⁰ Without

²⁷ Ibid., 103.

²⁸ Panvinius, *De Cardinalium Origine*, ed. cit., p. 495: "A quo postea [the council of 1059] in creando Pontifice romano reliqui cleri et populi auctoritas propter continuas seditiones mirum in modum imminuta fuit, et contra Cardinalium adeo crevit . . ."

²⁹ Stroll, *The Jewish Pope*, pp. 82–90; Robinson, *The Papacy*, pp. 69–76.

³⁰ Panvinius, *De Cardinalium Origine*, ed. cit., pp. 495–496: "... ut non longe post, scilicet sub Innocentio II. lege lata atque confirmata, omnis eligendi potestas, quibusdam episcopis finitimis adiectis, reliquo clero et populo exclusis, omnino ad solos Cardinales devenerit." *ibid.* 502: [Panvinius stated that before 1139 the election of popes had already belonged mainly to the cardinals, but that nonetheless] "reliqui quoque cleri senatus et populi auctoritas . . . expectabatur. A divi enim Petri tempore usque ad annum Christi MCXL Romani Pontificis creandi auctoritas et potestas penes hos ordines fere semper fuit, videlicet cardinales, archipresbyteros, ecclesiarum rectores, monasteriorum abbates et alios religiosos homines in clericali constitutos gradu; deinde penes senatum omnem populumque Romanum, quorum etiam auctoritas haud contemnenda erat. Circa tempora autem Innocentii II. ob rationabiles causas omni populo et reliquo non cardinali clero Pontificis Romani electio omnino erepta est, solisque cardinalibus Romanae ecclesiae, quibusdam finitimarum civitatum episcopis adiectis, attributa."

Ibid., 504: "Reapse non longe post, multis quoque intercedentibus causis, eo iure quod olim Nicolaus II. tentaverat, nec satis obtineri potuerat, plene potiti sunt Cardinales, scilicet sub Innocentio II. anno post Nicolaum LXXX Christi autem MCXXXIX."

Ibid., pp. 506–507: Innocent convenes the council of 1139; "Consideransque schismatis illius maximi causam fuisse praecipuam, multitudinis cleri civiumque romanorum suffragia, rem a Nicolao II. parum feliciter tentatam, prospere egit, atque absolvit, decrevitque ut deinceps seditionum schismatumque tollendorum causa, a romani

support from the *Liber Pontificalis*, Panvinus claims that the first pope to be elected without any participation of the people was Innocent's successor, Celestine II in 1143.³¹

Many scholars are skeptical of the authenticity of this decree.³² There is no proof, but Panvinus' argument cannot lightly be discounted, primarily because it is consistent with what is known about Innocent II and the situation during and shortly after the schism.³³

Pontificis comitiis non solum omnes cuiusvis ordinis et conditionis laici arcerentur, verum etiam omnes clerici urbis exceptis episcopis, presbyteris et diaconis Cardinalibus. Primus itaque is fuit Pontifex, qui hanc auctoritatem solis Cardinalibus romanae ecclesiae dedit. Reapse ex eo tempore Romanorum Pontificum creatio penes cardinales tantum mansit." Grauert, "Das Dekret Nikolaus II.," p. 596.

³¹ *Historia Latinae de vitis Pontificum Romanorum*, with notes by Panvinus and Antonio Cicarelli, (Venice, 1613), p. 147. A note at the end of the life of Innocent II states: "et in queste controversie [rebelliousness of Roman and surrounding families; formation of the Republic] il popolo di Roma essendo, come ribelle al Pontifice, iscommunicato, fu primieramente del tutto dalla elettione del Pontefice escluso, et a poco a poco anch'i principali del clero, fin che fu questa elettione a Cardinali soli rimessa. Il primo Papa, che fusse senza interuento del popolo eletto dopo la morte di questo Innocentio. fu Celestino Secondo. Si caua da vn libro antico senza il nome dell'autore, che è nella libreria di Vaticano, da Otone Frisingense nel 27. e 31. & 34. c. del 7. lib. delle sue historie, & dal primo libro de'gesti dell'Imperatore Federico nel 27. & 28. cap. che solamente questa cosa dell'elettione tocca."

Historia Latinae de vitis Pontificum Romanorum, ed. Onuphr. Panvin. col. Agripp. (Venice, 1626), p. 186. "In quibus controversiis populus Romanus, quod pontifici rebellis esset, anathemate notatus tunc primum a pontificiis comitiis omnino exclusus est, et ad solos cardinales pontificis electio paulatim, cleri etiam primoribus omnino exclusis vel in cardinalium collegio cooptatis redacta. Primus porro sine ullo populi interventu papa creatus est mortuo Innocentio secundo, Caelestinus secundus. Ex vetusto sine auctoris nomine libro bibliothecae Palatinae et Othone Frisingensi libro historiarum septimo ca. XXVII, XXXI et XXXIV. Item lib. I de gestis Friderici imperatoris ca. XXVII, XXIX qui hanc etiam de electione rem tetigit." Grauert (p. 597) is sceptical of this report because Otto of Freising does not deal with the election in these citations. Grauert recognizes, however, that Panvinus could have referred to the ancient ms. for his information about the election.

Chronicon, MGH SS 20:83–301; ch. 27, p. 263, problems of Innocent II with Romans over the Tyburtini; election of Celestine II; ch. 31, pp. 264–265, election of Lucius II; ch. 34, pp. 266–267, election of Eugenius III. *Gesta*, *ibid.*, 338–496; ch. 27, p. 366, Arnold of Brescia; ch. 29, pp. 367–368, upheavals in Germany and Gaul; Panvinus must have meant ch. 28, pp. 366–367, letter of senatus populusque Romanus to Conrad III; speaks about how the pope supported by the Normans undermined imperial authority in Rome;

³² Grauert, "Das Dekret Nikolaus II.," 596–597; Grauert notes that Panvinus not only referred to the *reliquus clerus*, an expression found only in version A of the electoral decree, but also—uncharacteristically for Panvinus—he did not cite his source. Johannes B. Säg Müller also argues that the decree was spurious. "Ein angebliches Papstwahldekret Innocenz' II. 1139," *Theologische Quartalschrift* 84 (1902), 364–387; Robinson, *The Papacy*, p. 57.

³³ Stroll, *The Jewish Pope*, *passim*; Grauert, "Das Dekret Nikolaus II.," pp. 599–600.

Just as Nicholas II and Alexander III deemed it essential to clarify papal electoral procedures after the schisms in which they were involved, so also Innocent faced the same necessity. Moreover, Alexander III's decree, issued from the Third Lateran Council of 1179, appears to assume the provisions that Panvinus attributed to Innocent, for it was based upon the premise that only the cardinals were electors. It simply refined the procedure by mandating that there be a two-thirds majority.³⁴ It is quite possible, therefore, that the decree of Nicholas II was superseded in 1139 rather than in 1179.

Signatures

Both texts of the decree of 1059 thunder maledictions fated to befall those who did not honor their provisions. A vast number of signatures follow. Five more signatures appear in the manuscripts of version B than in the one manuscript of version A that contains the signatures. All of the signatures of version B are generally more accurate and more completely identified.³⁵ For example, "Berardus, episcopus Esculanus," and "Ugo, episcopus Camerinensis" do not appear in version A, and "Petrus episcopus Uulturnensis" is listed only as "Uulturensis" (sic) without a name.³⁶ The most significant omission in version A is Hildebrand, listed in version B in the chronicle of Farfa as "et Hildebrandus subdiaconus et monachus cum ceteris subscripsit," and in *De Varia Creatione* of Panvinus as "Hildebrandus subdiaconus et monachus cum aliis SS. etc."³⁷

The inclusion or exclusion of Hildebrand's signature counts as critical evidence for assessing the authenticity of the decree. Detlev Jasper stresses how unusual it was for Hildebrand to be styled "monachus,"

³⁴ Mansi, *Sacrorum Conciliorum Collectio* 22, pp. 209–233; pp. 217–218: "Statuimus igitur, ut si forte inimico homine superseminante zizania, inter cardinales de substituendo pontifice non potuerit concordia plena esse, a duabus partibus concordantibus tertia pars noluerit concordare, aut sibi alium praesumpserit ordinare: ille Romanus pontifex habeatur, qui a duabus partibus fuerit electus, & receptus." Hefele/Leclercq, *Histoire des Conciles* 5:2, pp. 1087–1088.

³⁵ Jasper, *Papstwahldekret*, pp. 109–119; 25–31; Bergamo, Biblioteca Civica Angelo Mai, MA 244, sigle B²; Krause, "Die Bedeutung," pp. 92, 95.

³⁶ Ibid., 114; Krause, "Die Bedeutung," pp. 111–112, 115.

³⁷ *Chron.* 2, p. 247; Clm 148, fol. 102r; slight variations in other "imperial" manuscripts; Jasper (*Papstwahldekret*, p. 111) records: "Hildebrandus monachus et subdiaconus et ceteri Romanae ecclesiae subscripserunt." Jasper, pp. 34–46 for commentary on Hildebrand's signature.

and he points out that in 1059 Hildebrand was no longer a subdeacon, but already an archdeacon. He concludes that since the appellation “monachus” was uncommon, and that of “subdiaconus” incorrect, Hildebrand’s signature must have been fabricated in the text in the *Chronicon* and other manuscripts of version B.³⁸

Krause politely takes issue with Jasper’s analysis, and argues that Hildebrand’s signature was genuine. Hildebrand had been a rector and oconomus of San Paulo fuori le mura, and on the bronze doors sculpted in 1070 his name is engraved as “monachus et archidiaconus.” Jasper rejects this engraving as counterevidence to his thesis, but Krause disputes his reasoning, and adduces another example from 1067 where Hildebrand bears the same title.³⁹ Further, he points out that there is no proof when Hildebrand was promoted to archdeacon, and he demonstrates that the evidence is contradictory. The ever-hostile Beno has his own conspiratorial account, implying that he was promoted just before Nicholas’ death.⁴⁰ The first sure proof that Hildebrand had been promoted to archdeacon is his own signature to a document of October 14, 1059.⁴¹ Thus, “monachus” and “subdiaconus” could have been Hildebrand’s titles in April 1059.

From a broader perspective, Hildebrand had been so deeply involved in the election of Nicholas, and in the summoning of Lenten Synod of 1059 that it defies credulity that he would not have been present at the council, and have signed the decree. Moreover, even though it was in the 1070s and 80s, eyewitnesses testified that he did sign the decree.⁴² This near certainty plus the greater accuracy and

³⁸ Jasper, *Papstwahldekret*, p. 38; Following Jasper, Blumenthal states that Hildebrand “wahrscheinlich” did not sign the decree; “Rom in der kanonistik,” n. 31, p. 33.

³⁹ Krause, “Die Bedeutung,” p. 101 & ns. 47 & 48; *Vita Iohannis Gualberti anonyma* MGH SS 30, 2:1107.

⁴⁰ Beno, *Gesta Contra Hildebrandum* MGH LdL 2:379–380: “. . . Hildebrandus, quia papatum adipisci non potuit, ad archidiaconatum quoquo modo invadendum se convertit. Et Mancium, tunc archidiaconum Romanae aeclesiae, multis iniuriis afflixit et circumvenit, qui victus contumeliis et dolis, et pecunia deceptus Hildebrandi, ad ultimum concessit, ut Hildebrandus vice eius archidiaconatu fungeretur. Hac concessione Hildebrandus arrepta, Nicolaum papam ex improvviso aggressus, coegit inverecundis precibus et minis militum, quos pecunia collegerat, metum etiam mortis quibusdam terribilibus significationibus incutiendo, ut eum archidiaconum ordinaret et constitueret. Et post paucos dies ipse Nicolaus defunctus est, veneno, ut dicitur, suffocatus.”

⁴¹ Krause, “Die Bedeutung,” pp. 103, 109; The last time that he was entitled “subdiaconus” was at the beginning of August, 1059, Krause states, and the first time that he was entitled “archidiaconus” was May 13, 1057; the second was the beginning of May, 1059.

⁴² *Ibid.*, 110; Krause puts particular credence in the protocol of the German

details of the signatures almost certainly show that the signatures of version A were copied from version B. They suggest that it was critical for Hildebrand not to be associated with the original decree, and accordingly, that his signature be removed.

Conclusion

While the clergy and laymen who rallied around Benedict X in 1058 posed a huge problem for Hildebrand, the regency played a moderating and supportive role. Thus, to see the tension that would arise between Gregory VII and Henry IV as existing in 1058 is to read history backwards. Of a less cosmic nature, but nevertheless important for assessing the text reproduced in the *Chronicon*, it must also be remembered that Hildebrand and Nicholas had good relations with Farfa when the decree was promulgated in 1059.⁴³ These good relations persisted out of mutual interests, such as control of the baronial families.⁴⁴ The version of the decree in the *Chronicon*, therefore, would not have been inimical to the papacy's situation and objectives in 1059.

Hildebrand's interaction with both Farfa and the regency became more prickly when Alexander II was elected pope, and the reform movement gained momentum. During Alexander's reign competition between the papacy and the empire intensified, and ecclesiastical institutions under imperial patronage became objects of contention. The new reality could have provided the incentive to fabricate a

bishops from the synod of Worms, 1076, because he believes that the version in the *Chronicon Farfense* was a forgery, and that that version was fabricated after 1076. MGH Const. 1:108; *Die Briefe Heinrichs IV*, ed. Carl Erdmann, pp. 67–68; Decree of Synod of Brixen withdrawing obedience to Gregory VII, 1080, *ibid.*, 71: “Dum vero quidam ex ipsis decretum Nicolai papae, a centum XXV episcopis sub anathemate promulgatum eodem Hildebrando laudante, ad memoriam sibi vellent reducere: ‘quod si quis sine assensu Romani principis papari praesumeret, non papa sed apostata ab omnibus haberetur,’ negavit se regem uspiam scire, et se posse asseruit sententiam praedecessorum vacuam iudicare.” Also ed. MGH Const. 1:119; Stürner, “Salvo debito,” p. 40.

⁴³ Heinzelmann (*Streitschriften*, pp. 66–67) points out that Leo IX and Nicholas II got along especially well with Farfa. Even in 1119–1125 when Farfa was involved in bitter disputes with the papacy, Nicholas was seen to have been Farfa's protector; *Chron.* 2, p. 307: “. . . sed et Nicolaus papa II apostolica auctoritate sub anathematis pavendi interdictione decrevit, ut nemo hanc ecclesiam suaque bona omnia curiae Romanae vel papati subiugare audeat;”

⁴⁴ Vehse, “Die päpstliche Herrschaft,” pp. 150–151.

decree calculated to promote Gregorian objectives. But in the spring of 1059 version B of the decree would probably have been acceptable to the future opponents, for at that time the threat was not the emperor, but the nobility.

In sum, the question of which, if either, version of the decree was the original remains open. It can be argued that version A as well as version B was fabricated. It is suggestive that most of the manuscripts of version A originated in the same place where most of the criticism of the local cardinals—the deacons and the priests—arose. This was France, and from its perspective of a universal church, it would have been preferable to remove the election from local control by emphasizing the authority of the cardinal bishops.⁴⁵ Some of these bishops were beginning to come from France, and one of them—Humbert of Silva Candida—could conceivably have been the architect of a forgery reflecting French interests.

Apart from textual analysis and comparisons with other sources, one must ask what the objectives of Nicholas and Hildebrand were in April 1059. Ecclesiastical reform was just underway, and the conflict with the emperor had not yet gathered force. Just after the regency's support of his own election, Nicholas might well have seen the emperor as a stabilizing force in the face of threats from the local nobility. We recall that Petrus Damiani had gone out of his way to exculpate the young king, Henry IV, from any malfeasance. Moreover, version B assured the most critical provision—that the pope would be elected by the cardinals. The decree transmitted in the *Chronicle of Farfa* could therefore be seen as a judicious, and moderate formulation of provisions for papal elections.⁴⁶ It could well have been the decree formulated by Nicholas II in 1059.

⁴⁵ Bernhardt, "Das Decret Nicholaus II.," p. 408.

⁴⁶ Krause has worked out the stemma of the manuscript tradition, and according to his diagram the text in the *Chronicon* had several precursors. "Die Bedeutung," p. 120. We recall, however, that Panvinus declares that the ms. he used in "De creatione" was written just after the Lenten Council of 1059. The question of which was the oldest ms. relies upon his accuracy.

CHAPTER FIFTEEN

ORTHODOXA DEFENSIO IMPERIALIS

We recall that Gregory of Catino transmitted the papal electoral decree of Nicholas II in the course of describing the conflict between Farfa and the Ottaviani that ended in 1105. Paschal II appears to have supported the Ottaviani, and he seems to have made his dispositions manifest when he appointed Oddo and Ottaviano rectors in 1106. The bad blood between Farfa and the pope continued when Berald joined in the revolt against Paschal in 1108, and was duly excommunicated. The animosity between the pope and the abbot had not abated by 1110 when legates of Henry V and Paschal opened negotiations over imperial investitures. When the agreement they had adumbrated was shattered during the aborted imperial coronation ceremonies in St. Peter's on February 12, 1111, a fracas ensued.

With Paschal and most of the cardinals in tow, Henry V slipped away to the Sabina. There he deposited his captives in fortresses under Farfa's jurisdiction until April when Paschal finally agreed to accede to his demands to allow investitures with ring and staff. A ceremony at Ponte Mammolo solemnized the agreement, and thereafter Paschal performed the much delayed coronation in St. Peter's.

These dramatic events almost certainly occasioned the second important tract to originate from Farfa within just a few years—the *Orthodoxa defensio imperialis*.¹ Many scholars believe that its author was Gregory of Catino, but one observes that the style and tone differ from Gregory's other works.² Whether Gregory or some other elderly monk wrote the tract, its main objective was to justify Farfa's cooperation in what most Christians saw as outrageous treatment of the pope and his cardinals. The author addresses himself only obliquely to the issue at hand, but his defense of the empire serves as a defense of Farfa.

¹ *Gregorii Catinensis monachi Farfensis Orthodoxa defensio Imperialis*, ed. Lotharius de Heinemann, MGH LdL 2:534–542; It exists in only one manuscript in the Biblioteca Casanatensis, D III, 16 chart. fol., saec. XV, fols. 1–10. For other editions see Schuster, *Abbazia di Farfa*, n. 1, p. 252.

² Heinzelmann, *Streitschriften*, pp. 113–120; for a summary of the attitude of other scholars see Boesch Gajano, “Berardo,” p. 772.

As with the *Liber Beraldi*, The *Defensio* takes on a universal significance because it presents the case for the empire in its best light. It is particularly valuable because sophisticated, temperate tracts dedicated to defending the imperial position against the verbal versatility of ecclesiastical reformers are relatively rare. Its date can be determined within a few months. Since its author knew about Henry's coronation, it had to have been written after April 13. And since Placidus of Nonantola seems to have been aware of it when he wrote his tract, *De honore ecclesie*, in the fall of 1111, it must have been written during the summer of that year.³

Its arguments are much more trenchant than those in the *Liber Beraldi*, for while Gregory of Catino could at least look back to the benevolent reign of Nicholas II when he wrote the *Liber*, the recent models for the *Defensio* were Gregory VII and Paschal II. The monks of Farfa believed that their own conception of the relationship between *regnum* and *sacerdotium* reflected a system that was created by Christ himself, and which was transmitted by the gospels and the church fathers. They did not see that their philosophy conflicted with religious and ecclesiastical integrity, for they were as critical of simony, incelibacy, and similar abuses as any other reformers.

To them Farfa's fidelity to the emperor, and its defense of its own liberties and wealth were principles that were not inimical to the system laid down by Christ. Rather than Farfa, they saw the reform papacy as an aggressor against the divinely ordered society. They believed that the reform popes—and especially Gregory VII and Paschal II—attacked the empire and Farfa out of a drive to increase papal power rather than out of a desire to purify the church.

The Text

Employing both theological and historical arguments, the author of the *Defensio* emphasizes the complexity, rather than the simplicity of issues. He first states, and then responds to the position of Farfa's opponents. His argument is divided into two sections: (1) the rights of the king over investitures. He stresses that through investitures the

³ Jörg W. Busch, *Der Liber de Honore Ecclesiae des Placidus von Nonantola: Eine kanonistische Problemerkörterung aus dem Jahre 1111: Die Arbeitsweise ihres Autors und seine Vorlagen* (Sigmaringen, 1990), p. 10. Busch states that the tract was written between April 13, 1111, and March 1112.

emperor does not affirm his rights over ecclesiastical offices, but only over the secular appurtenances of bishoprics and abbeys. (2) the invalidity of Gregory VII's deposition of Henry IV. He contends that it defied the divinely ordained order.

The author sets the stage by drawing an analogy between the methodology of seasoned monks and the practice of medical doctors, who collect many types of herbs from different fields to heal their patients. In like manner, he says, we, the elderly monks, have gathered the sayings of many church fathers to use in defending Farfa from the calumny and blasphemy of its detractors. They castigate Farfa for its continuing loyalty to the emperor, but we monks are secure in our faith that we are following the doctrine of Jesus Christ handed down through the apostles.⁴

Proceeding to his first theme, the author makes the following case. Farfa's opponents hold that the emperor has no part in the church, and they maintain that his assent is not required in pontifical elections. They also do not concede that the emperor has the right to invest prelates with ring and staff.⁵ But we monks believe that Jesus Christ worked out a divine plan for the world in which the function of princes is to enforce discipline.

Extracting from alleged writings of Iohannes Chrisostomus, the author repeats the metaphor of the church as a human body in which the emperor is the head, the priesthood the heart, and the faithful the members.⁶ Not every part of the human body has the same importance, and God himself perfectly ordered the various degrees. It follows that the body could function without a member, but not without a head or a heart. Accordingly, the emperor is just as necessary to the church as the priesthood.

⁴ MGH LdL 2:535: "Ipsi enim nos execrantes culpant et fatentur nos extra catholicam ecclesiam (sic) manere propter imperatoriam fidelitatem, quam secundum antecessorum religionem cernunt nos firmissime semper observare, et quia imperatori consuetum debitumque deferimus honorem. Nos enim nulli imperium dedimus et auferre minime valemus nec debemus. Contenti enim sumus his que patres nostri portaverunt, et in his speramus salvari; doctrinam quoque domini nostri Iesu Christi apostolis traditam super hoc retinemus et eius ecclesiam capite membrisque singulis ab eo comptam et unitam absit ut in aliquo dehonestemus."

⁵ Ibid.: "Fatentur enim, quod regnum et imperium fastigium in sancta ecclesia nullum omnino celsitudinis habeat locum, nec in pontificis electione requirendus sit eius assensus, nec alicui ecclesiae prelato baculum vel anulum secundum auctenticam consuetudinem more investiturae sit ab eo concedendum."

⁶ Ibid., 536: "Habet autem sancta ecclesia caput quod est regnum, habet cor quod est sacerdotium."

At the same time that the body is composed of many parts, it is also a unity, and each part must function together. Thus, if *regnum* and *sacerdotium* are discordant, the dignity of all of Christianity will be thrown into disorder.⁷ While Christ ordered that one must return unto Caesar what is Caesar's, and unto God what is God's, so also we owe subjection to the empire, and respect for the dignity of the priesthood. To the emperor pertain terrestrial rights, and to the priesthood, spiritual concerns.⁸ Given this command of the Lord, it is fitting that prelates of the church receive their staff and ring from the emperor as the head of the church, and thereafter their consecration from the pope.⁹

The author demonstrates a familiarity with the Donation of Constantine, perhaps honed from the trial with the Ottaviani. He asks rhetorically whether Jesus Christ gave the papal insignia to St. Peter when he gave him the keys to the kingdom of heaven. Quoting directly from the Donation, he answers, not at all, that the Donation was the origin of the insignia.¹⁰ He then asks that if Constantine, an earthly ruler, could place the imperial *frigium* on the head of the pope with all devotion and respect, why should anyone object if the present day orthodox emperor grants the ring and staff to lower order prelates?¹¹

⁷ Ibid., 537: "Sicut enim membra unius corporis, si invicem adversa fuerint, ad nihilum devenient deficientes, sic regnum et sacerdotium, si fuerint discordantes, totius christianitatis confundetur decus."

⁸ Ibid.: "... ut capiti ecclesiae, videlicet imperatori, debitum prius reddatur subiectionis, deinde sacerdotibus munus impendatur honoris, et imperatori quidem terrestria, sacerdotibus vero, id est pontificibus vel reliquis clericis, spiritualia commoda."

⁹ Ibid.: "In quo etiam precepto Domini non incongruum videtur, si prelati ecclesiae ab imperatore prius suscipiant proprii honoris, investitura baculi vel anuli assensum, quam a pontifice consecrentur; quia si princeps caput ecclesiae predicatur, a membrorum (sic) suorum officii sive ministerii creatione nullo modo est repellendus."

¹⁰ Ibid.: "Videamus interea et consideremus summi pontificis insignia ornamenta et discamus, a cuius sublimitatis potestate acceperit ea. Nunquid dominus noster Iesus Christus largitus est illa beato Petro apostolo, quando tribuit ei claves regni celorum? Minime. Sed quis concessit ipsa insignia ornamenta Romana pontifici? Relegamus sane decretum Constantini magni imperatoris sancto videlicet pape Silvestro delegatum, et ibi procul dubio invenimus. Sic enim legitur illic: [long quotation conceding imperial paraphernalia]."

¹¹ Ibid.: "... si Constantinus, qui utique erat terreni dominus tantummodo iuris, super vertice pape manibus suis posuit imperiale frigium et non est hoc agere veritus, ym[m]o benignissima devotione fidelique peregit mente, nec papa quoque dedignatus est suscipere illud: quare orthodoxo imperatori interdicitur, ut baculum vel anulum episcopis vel prelati ecclesiae, qui certe inferioris ordinis pape sunt, et in eorum manibus non largiatur?"

He contends that the objection to imperial investiture did not spring from divine religion or any command of God, but rather from craving and striving after honor. This hubris led to the degradation of the dignity of churches and to the destruction of the imperial office.¹² He asks whether it is it not better to observe the devotion owed to the emperor than that quarrels and litigation be generated, that hate and dissension arise, that perjury and outpourings of blood be affected, and that all of the work of Christianity be brought to naught.¹³ These incentors do not seek the glory of the highest God, but the aggrandizement of their own office beyond any measure.¹⁴ Speaking with great passion, the author likens them not to shepherds who care for their flocks, but to wolves who seek to massacre the sheep.¹⁵

The author contends that he and the other monks have investigated the issue of investitures of prelates with staff and ring by kings or emperors that follow the example of Constantine. We have found that the rite has nothing to do with the sacred office, or with the consecration of churches or clerics, or with any divine sacrament. Rather, it pertains to the defense of the office of the prelate, to the possession of secular and temporal goods, and to corporeal things (*rerum corporalium*).¹⁶ In sum, it confirms the right of the prelate to all of the goods of his church. The author implores that those who speak falsely and rudely may cease to dissipate the vigor of the empire, to tear the churches of God apart by schisms, and to wage war by various nefarious means.¹⁷

¹² Ibid.: "Manifestum quippe est, quod non hoc divina religione, non ulla Dei emulatione, sed potius contendere et agi videntur invidiose magnaque honoris aviditate ad offuscandum ecclesiarum decus et ad destruendum imperiale munus."

¹³ Ibid.: "Nonne sanioris dignitatis est ecclesiae imperiale patrociniū habere eique debita subdī devotione, quam nova et inaudita presumere, quibus lites et contentiones generentur, odia execrabilia et discensiones oriantur, periuria sanguinumque effusiones exerceantur et omnia christianitatis opera evacuentur?"

¹⁴ Ibid.: "Non enim gloriam summi Dei, sed sui ultra modum honoris quesierunt."

¹⁵ Ibid.: "Nec sanctae ecclesiae oviumque Christi, ut veri pastores, salutem, sed tanquam lupi crudeles detestabilem exercere studuerunt mactationem"

¹⁶ Ibid., 538: "De investitura ergo baculi vel anuli, quam rex vel imperator quilibet ecclesiae prelati faciunt, exemplo Constantini contenti imperatoris, adhuc perscrutemur, si quid inrationabile aut infidele in ipsa invenire valeamus, et per quam non sacri honoris gradum, non munus praelacionis sanctae, non ministerium spirituale, non ecclesiarum vel clericorum consecrationes, nec aliquod divinum sacramentum, sed potius sui defensionem tribuunt officii, secularium rerum seu temporalium atque corporalium possessionum omniumque ecclesiae eiusdem bonorum iuris confirmationem;"

¹⁷ Ibid.: "Desinant itaque pseudoloqui sive rudiloqui imperii vigorem dissipare et ecclesias Dei quibusdam scissionibus dilacerare et variis surreptionibus belligerare, et

Both the sacred canons and ancient tradition support the right of the prince to confirm papal elections. Those who act or speak otherwise open the church to schism and dissension. Then, in a reference to the famous metaphor from the Cantic of Canticles, the author accuses such people of cruelly striving "to cut off the left hand of Christ from under the head of the church."¹⁸

The author cites a number of ecclesiastical authorities to support his assertion that the prince has the right to confirm episcopal and papal elections, but curiously he does not allude to the papal electoral decree of Nicholas II. Observing that all of his sources acknowledge the right of the people to confirm episcopal elections, he asks how the prince, the head of the people, could be excluded.¹⁹ How could there be unity and concord between *regnum* and *sacerdotium* if they are separated at the beginning of their ordination? For through sacred unction kings and emperors become one with Christ, and thus by their office they are combined with the sacraments of the church and ought not to be separated.²⁰ *Regnum* and *sacerdotium* are united in the body of Christ, and only the foolish falsely argue that they should be sundered.²¹

Princes are ministers of God, and the church needs their protection so that it will not be invaded by the impious, oppressed by tyrants, or destroyed by the perverse. The author admits that the canons generally prohibit clerics from swearing oaths to laymen, but he argues that utility is the mother of virtue.²²

quia inimici sunt non querant in sirpo nodum et imperii decus numquam amplius calumniantur."

¹⁸ Ibid.: "In pontificis quoque electionis summi confirmatione quod principum concordia vel imperiale decretum interesse debeat, sanctorum canonum auctoritates et antiquissimam habemus consuetam institutionem, et qui sine his agi fatentur aut machinantur, scismata et discensiones in ecclesia operari videntur levamque Christi de sub capite ecclesiae precipere crudeliter nituntur." Cantic of Canticles 2.6.

¹⁹ Ibid.: "Ergo si plebem vel populum in episcopi oportet interesse ordinatione, quanto magis caput plebis, id est principem, non convenit abesse."

²⁰ Ibid.: "Quomodo enim regnum et sacerdotium unitatem et concordiam habere poterunt, si in initio eorum ordinationis dissentiant? Nam reges et imperatores propter sacram unctionem christi nuncupantur et sic suorum ministerio vel officio sive relatione sacramentis ecclesiae sunt uniti, ut in nullo debeant separari."

²¹ Ibid.: "Postquam autem regnum et sacerdotium dominus Christus, sacro ex utroque corpore suscepto in se, misericorditer adiunxit, quis vel demens esse poterit, qui fucata ratione eos dicat deberi separari."

²² Ibid., 539: "Sacramentum autem ecclesiasticis viris iuxta sanctorum canonum interdictionem nulli seculari convenit prebere. Sed in hoc utenda est matre virtutum, vera scilicet discretione, que sicut sal pulmentis omnibus, ita hec necessaria est religionum omnium actis."

In the beginning, he reminds the reader, the faithful did not have possessions, and they were content with food and clothing. Now, however, their possessions increase, and churches have militias, counts and other high personages under their jurisdiction. If these powerful men and soldiers disdained the orders of the emperor, the empire would be seriously undermined.²³ Freed from royal or imperial dominium, militiamen swear oaths of fidelity to ecclesiastical prelates. Accordingly, it is necessary that these prelates pledge their own fidelity as well as that of their militia to the king or emperor.²⁴ Again acknowledging that the oath is interdicted in the canons, the author asserts that nevertheless it does not hinder someone from swearing an oath as long as he does not commit perjury.²⁵

Turning to the emperor in the second part of his treatise, the author emphasizes that the royal or imperial power is instituted by God, and ought not to be held in contempt, to be condemned, or to be destroyed. Citing a number of authorities that hold that even a bad king ought to be suffered, he asks that since this is so, how could anyone dare to condemn (depose) the previous emperor, H[enry IV], who was wholly faithful to God, benevolent, very pious, and outstandingly valorous (*bellicosissimum*)?

Now there are those who spurn Henry's invincible son, who, with God's help is vindicating the injuries of his father. The author asks rhetorically how they could evade the judgment of God. Seeming to admit that Henry V was not above reproach, however, he observes that even Scripture states that everyone commits many offenses. But even if this very pious augustus did not do the right things in some ways at some time, he was forced to this extreme by those who disturb the peace of the church of God.²⁶

²³ Ibid.: "quos si rex vel imperator in suis contemptores iussis habuerint, magnum immensumque detrimentum capient imperii."

²⁴ Ibid.: "Necesse est ergo, ut prelatus ecclesiae, qui a suis militibus sacramentum fidelitatis suscipit ex regia vel imperiali dominacione, ipse militum suorum fidelitatem suamque spondeat regali vel imperiali personae."

²⁵ Ibid.: "Quoniam sacramentum licet interdicatur in canonibus, prebenti tamen officere non legitur, nisi forte incurrat periurium."

²⁶ Ibid.: "quis olim catholicum nostrum dominum et imperatorem H[einricum], Dei fidelissimum, benivolum, piissimum, bellicosissimum, quoquo modo ausus fuit condemnare? Quis eciam nunc invictissimum eius filium Deo auxiliante patris iniurias vindicantem spernere audebit et evadet iudicium Dei? Nam scriptura docente 'in multis offendimus omnes.' [Iac. 3, 2] Ipse vero piissimus augustus si in aliquo deliquit aliquando, quasi insipiens factus a Dei ecclesiae pacem perturbantibus nimis est coactus."

Then, turning the tables, the author focuses on the prelates of the church, who ought to be ministers of life, but who instead have become bearers of death, ordering the spilling of blood.²⁷ They move against the empire, they raise their heel, and they wickedly usurp the rights of kingship. They abusively obtain ministries of the church and powers not owed to them by force. He asserts categorically that the canons prohibit all of these actions in every way.²⁸

Continuing his criticism of prelates, he speaks of those who reject the emperor, and who indeed are contemptuous of him who was ordained by God. Against God and the peace and unity of the church they elect those who administer property, and who pervert the customs of the church.²⁹ Why do they do this? It is because they seek their own advantage rather than those things which are of Christ and the church. They treat the authority of the holy fathers as nothing, they subvert the peace and unity of the church, and they pull down the genuine and traditional princes of the church.³⁰

They place ignorant sinners in office, and remove them if they do not offer money; the impious who proffer gifts, they pardon.³¹ They excommunicate those who show obedience to the kingdom and the empire, and they sanctify not peace, but wars and bloodshed. All of this they do because they seem to have the zeal of God. But even though they appear to themselves to be wisemen, they lack knowledge. Confident in their false assumption, they seek to impose their own doctrine, and do not subject themselves to the justice of God.³²

Looking back through history, the author observes both good and bad princes, but he notes that holy men never condemned (deposed) the bad.³³ He points out that Christ says: "Through me kings reign."

²⁷ Ibid.: "Denique prelati ecclesiae qui vitae ministri fore debebant, facti sunt mortis latroes et iussores sanguinis effusionis . . ."

²⁸ Ibid.: "... contra imperium moderantes calcaneum suum levantes et iura regni nequiter usurpantes, ecclesiae ministeria abusivae ac indebite potentumque per vim optinentes; quod omnimodis interdictum canonice habetur."

²⁹ Ibid.: "... contra Deum pacis unitatisque ecclesiae elegerunt exactores bonorumque ipsius ecclesiae morum perversores."

³⁰ Ibid.: "Utique quia non quae Christi sunt, sed quae sua sunt querunt et patrum itinera sanctorum, perfectas et a Deo confirmatas auctoritates pro nihilo ducunt, pacem ecclesiae ac unitatem subvertunt, principes auctenticos solitosque ecclesiae destruunt, et suae tantum utilitatis causa, non autem ecclesiae . . ."

³¹ Ibid.: "... rudes constituunt peccatores, quos, nisi eis pecunias offerant, spernunt et impios iustificunt propter munus."

³² Ibid., 540: "Sapientes enim sibi videntur et de sua scientia presumentes suamque doctrinam statuere querentes, iusticiae Dei non sunt subiecti."

³³ Ibid.: "Veteris enim et novi actus historias relegantes et bonos principes invenimus

Only through Christ, therefore, ought princes to be condemned. The author then cites many examples of kings and emperors whom popes and other churchmen criticized and admonished, but never deposed. They suffered the abuses of such rulers, he observes, and probably with an eye to Henry V, he emphasizes that they left the punishment up to God.³⁴

Moreover, the holy fathers proclaimed concord, peace, and patience in voice and in action. These are the principles we teach, and we do not transgress the boundaries set by our fathers. Whoever wishes to condemn the sublime princes and to take away the honor given to them by God rather than suffering their offenses, violates the precepts of God and the acts of the holy fathers.³⁵

If it is a serious crime just to take away something, however small, how much greater an offense is it to try to take away a kingdom from a king, or an empire from an emperor? Even if the king or emperor is iniquitous, those who perpetrate such transgressions will be condemned by catholic sanctions.³⁶ It is better to exhibit the honor owed to an unjust power than impiously to disturb the peace of God, "because never have we read that any pope has deposed kings or emperors, however tyrannical, although we have read much more truly, how frequently many emperors have confirmed certain popes, and have by right constituted those acceptable to themselves."³⁷

In a more mundane vein the author notes that even Christ, who was a pauper, and who had given up all things of the world, nevertheless paid taxes. Who, therefore, should try to be more holy than

et malos, sed nunquam repperimus conscripto iudicio ab aliquo sanctorum fuisse condempnatos."

³⁴ Ibid.: "Nam multi regum vel imperatorum et ante et post advenctum Christi pessimi vel heretici fuerunt, quos prophetae vel apostoli sanctique patres et reliqui doctores ecclesiae ad mortem non condemnarunt nec debitum obsequium vel decus illis proprium abstulerunt, sed soli hoc Deo reliquerunt et eorum nephandas malicias vel persecuciones ad tempus Christi amore substinuerunt, quia eius omnimodis membra extiterunt."

³⁵ Ibid., 541: "Qui vero sublimiores principes maluerit condemnare et honorem a Deo illis aut datum aut permissum auferre magis quam eorum offensa portare, noverit se contra Domini precepta et acta sanctorumque auctoritates perpetrare."

³⁶ Ibid.: "Unde si in grave delictum et penam incurrit qui aliena quamquam minima tollit, et nisi digne emendet, penitentiam accipere non potest, multo amplius qui regnum regi et imperium imperatori auferre conatur, catholicis sanctionibus erit per omnia detestatus, licet iniqui fuerint."

³⁷ Ibid.: "... quia nunquam legimus aliquem apostolicum reges vel imperatores unquam tyrannice deposuisse, cum magis verissime legamus, quam sepe plurimos imperatores quosdam apostolicos confirmasse et sibi iure placitos constituisse."

he by denying such obligations?³⁸ Referring to Romans 11.34 he asks, who knows the mind of the Lord, or who has been his counselor?³⁹ And assuming the obvious answer, he then asks, who dares to condemn him, whom God has put in power? He cites a number of wicked kings whom God permitted to rule for reasons that mere mortals might not understand.

Saving his most powerful example to the end, the author points to the case of Pontius and Christ.⁴⁰ Quoting from John 19.10–11, he states: “Pontius said to the lord Christ: ‘knowest thou not that I have power to crucify thee, and have power to release thee?’ To which Christ responded: ‘Thou couldest have no power at all against me, except it were given thee from above.’”⁴¹ What worse ruler could have existed than Pilate, who judged Christ unjustly, and sentenced him to be crucified? And yet, the author stresses, Christ submitted himself to this earthly power without hesitation. How, then, can any ordinary sinner resist him, who has been ordained by God?⁴²

In conclusion he draws an analogy between secular and ecclesiastical princes, arguing that although an individual prince in either realm might be bad, the institution nevertheless should be preserved. “Judge not, and ye shall not be judged; condemn not, and ye shall not be condemned;” (Luke 6:37). And from Jerome: “Although princes of the church of God may be bad, nevertheless the church is without guilt.” And finally, the prophet (Ezekiel 18:20): “The soul that sinneth, it shall die. The son shall not bear the iniquity of the father, neither shall the father bear the iniquity of the son: the righteousness

³⁸ Ibid.: “. . . nullus tamen eam condemnare vel ei vectigal vel censum sive debitum honorem contemnere debet, maxime cum dominus Christus et magister noster pro se tributum reddere est dignatus. Si enim ipse reddidit, qui pro nobis pauper extitit nihilque in hoc seculo possedit, quis demens, quis vecors, quis stultus Christo religiosior aut sublimior vel esse temptet sanctior?”

³⁹ Ibid.: “‘Quis enim cognovit sensum Domini? aut quis consiliarius eius fuit?’” Rom. 11.34.

⁴⁰ Ibid.: “Sed qui omnia haec operatus est virtute potenti sicut voluit, idem ipse divina dispensatione Pontium Pilatum substituit.”

⁴¹ Ibid.: “‘nescis, quia potestatem habeo crucifigere te et potestatem habeo dimittere te.’ Cui Christus: ‘Non haberes potestatem in me, nisi desuper tibi datum fuisset.’” John 19.10–11.

⁴² Ibid., 541–542: “Quae vero peior potestas Pilato, qui dominum Christum inique iudicabat et crucifigebat? Et si illi desuper potestas dabatur adversus Christum, qui sine peccato erat ac sine aliqua mundi possessione, quis peccator legisque prevaricator contra stimulum audeat calcitrare vel resistere Dei ordinationi, maxime cum dominus Christus in mundo natus, sub lege factus, terrene potestati subditus et legatur et sine scrupulo credatur?”

of the righteous shall be upon him, and the wickedness of the wicked shall be upon him."⁴³

Now at the end of his polemic, the author relates his disquisition to the situation at Farfa. He affirms that the monks have always followed the aforesaid doctrines of Christ, and he avows that they shall do so in the future. Rather than deviating from the paths of the holy fathers, they prefer to suffer the blasphemies and opprobrium of adversaries of the empire.⁴⁴ We monks strive to walk in the right way, deviating neither to the left nor to the right.⁴⁵

As the evangelical voice (Matthew) asserts, blessed are they "who are persecuted for righteousness sake, for theirs is the kingdom of heaven."⁴⁶ And encouraging his apostles to be strong in the face of adversity, Jesus Christ tells them: "Blessed are ye, when men shall revile you, and persecute you, and shall say all manner of evil against you falsely, for my sake. Rejoice, and be exceedingly glad: for great is your reward in heaven: for so persecuted they the prophets which were before you."⁴⁷ Identifying the monks of Farfa with the prophets, the author extrapolates that whoever suffers libel in the name of Christ should take joy in these words of the apostle.⁴⁸

The author confidently predicts that on the day of judgment it will be seen that we, the monks of Farfa, have acted in accordance with the orthodox writings of the holy fathers.⁴⁹ He pleads that Farfa's adversaries might not mislead the more simple among the brothers, and that they not have the opportunity to blaspheme the name of

⁴³ Ibid., 542.

⁴⁴ Ibid.: "Has igitur Christi doctrinas et institutiones sanctorum Pfarfensis cenobii unanimis coetus de imperiali fastigio fideliter ab initio retinuit et in evum retinebit, malens et blasphemias et obprobria adversariorum impii sufferre quam a patrum catholicorum semitibus deviare." I accept the argument that "imperii" rather than "impium" was the original word; see n. "e" in the text.

⁴⁵ Ibid.: "Via enim gradere contendimus recta et nolumus declinare ad dexteram nec ad sinistram."

⁴⁶ Ibid.: "Euangelica enim vox beatos asserit, 'qui propter iustitiam persecutionem patiuntur, quia ipsorum est regnum celorum.'" Matt. 5.10.

⁴⁷ Ibid.: "Beati eritis cum vos oderint homines et persecuti vos fuerint et dixerint omne malum adversum vos micientes, propter me. Gaudete et exultate, quia merces vestra copiosa est in celo." Matt. 5.11–12.

⁴⁸ Ibid.: "Horum igitur spe sive constantia verborum apostoli confirmati ibant gaudentes a conspectu concilii qui digni habiti sunt pro nomine suo contumelias pati."

⁴⁹ Ibid.: "Quapropter licet et nos cor nostrum non reprehendat, nos in hoc quod ab imperii iura perturbantibus detestamur et secundum nostram patrumque nostrorum conscientiam in die iudicii integram habeamus fiduciam, rationem tamen huius rei reddidimus orthodoxam et congruam prescriptis catholicorum patrum sententiis."

God through the dissension arising from their provocative acts. Since the monks are able to allay sedition against the emperors by appealing to calm reason, he admonishes them not to be indifferent, but to strive to provide good in all things, not only before God, but before all men.⁵⁰

But implying that there were limits beyond which the monks would not go, the author declares that Farfa would never relinquish imperial patronage, and he vows that the monks would never abandon their fidelity to the emperor. Our older monks have already recognized that whenever imperial dominium over Farfa was lacking, its dignity was always diminished; conversely, these monks observed that the flourishing of imperial dignity increased the vigor of their sacred monastery.⁵¹

*A Comparison Between the Liber Beraldi and the Orthodoxa
Defensio Imperialis*

What, then, can we learn from these two polemical tracts and the circumstances that produced them? Do the arguments deal specifically with the situations that instigated them, or do they primarily defend Farfa's basic philosophical positions? Are the arguments persuasive, or are they easily refutable by ecclesiastical reformers? Are they perhaps even deserving of contempt as self-serving apologies contrived to promote Farfa's interests? Are they so defensive of the imperial position that they lose their credibility? Let us explore the issues raised by these queries.

If I am right that the *Liber* was extracted from the *Chronicon*, it was not originally conceived as a polemical tract. Only later when its value as a cogent defense of the imperial position was perceived, was the text extracted from the narrative. In describing the arbitration proceedings between Farfa and the Ottaviani, it enlarges upon the theoretical issues that are raised.

⁵⁰ Ibid.: "Cum enim sediciones imperatorum equa ratione sedare valemus, non negligere, sed in omnibus studere debemus, providentes bona non tantum coram Deo, sed etiam coram omnibus hominibus."

⁵¹ Ibid.: "Patrocinium autem imperatorum numquam amittere voluimus, nec eius fidelitatem aliquando deserimus, quia, ut viros antiquiores prenuntiasse novimus, quotiens in hoc loco dominium imperiale deficit, eius pro certo dignitas totiens minuitur et in quantum hic fastigium imperiale vigescit, in tantum huius sacri cenobii vigor acrescit." For brief descriptions of the *Defensio*, see Schuster, *Abbazia di Farfa*, pp. 252–253; Boesch Gajano, "Berardo," pp. 772–773.

By contrast, the *Defensio* originated as a tract. While it was intended to defend Farfa's controversial actions in 1111, it was also projected to be a timeless exposition of the doctrines underlying those actions. It criticizes the papacy—and by implication Gregory VII and Paschal II—but it does not specifically try to exculpate Farfa from charges of malfeasance in holding Paschal captive. Rather, it explores the relationship between *regnum* and *sacerdotium*, and implies that Farfa was justified in opposing a pope who defied God's divine plan.

Although the *Defensio* adduces a wealth of compelling evidence for demonstrating that Christians should remain faithful to the emperor, no matter how he might abuse his office, it does not build a symmetrical case for the pope. It states that even though individual popes might err, that nevertheless the church—not the papacy—is without guilt. Although he exhorts Christians to suffer tyrannical emperors, he does not exhort Christians to suffer iniquitous popes. In addition, while he emphasizes that popes have never deposed kings or emperors, he does not assert that emperors have never deposed popes. Rather, in what almost seems to be a non sequitur, he notes that frequently emperors have confirmed popes and have rightfully constituted those acceptable to themselves.

The *Defensio* does not ask whether the pope would forfeit the loyalty of his flock if he failed to act in accordance with scripture, the canons and ecclesiastical traditions. And if the answer should be positive, it does not ask who would be empowered to decide if the pope had erred. When Berald agreed to provide fortresses for imprisoning Paschal and the cardinals, he assumed the right to criticize the behavior of the pope, although certainly not to depose him. The author tacitly tries to justify this action by implying that Paschal had acted contrary to God's plan. But the canons stated that the pope could be judged by no man, and only later in the century would lawyers propose exceptions to this categorical imperative.

The author could have argued that the issue was a moot point, since Paschal had failed to receive confirmation by the emperor, and was therefore not pope. But he does not seek refuge in this ploy, and in fact, he never grapples with the issue of the legality of holding a pope in captivity. By not asking if fidelity is always owed to the pope, and by airing only the imperial side of the critical issues of legitimacy and obedience, the author weakens the force of his polemic.

Certain themes run through both the *Defensio* and the *Liber*. Among them are the legitimacy of imperial confirmation of papal elections, the justification for imperial investiture of ecclesiastical prelates, and

the necessity for unity and balance between *regnum* and *sacerdotium*. In the *Defensio* the author treats imperial investitures as the focus of the current power struggle.

The reform papacy saw imperial investitures as a means of controlling the church, but the author viewed the papacy's denial of this right as the key part of its campaign to weaken the emperor. Along with the monks of Farfa he feared that in the papacy's intrusion into the secular realm, one of the first areas to fall would be the Sabina. He perceived the struggle over investitures as power against power, and the threat that the papacy saw to the church, he saw to the empire. If the emperor did not secure the obedience of prelates with their militia, benefices, and other *regalia* through investitures, the divine order would rupture, and Farfa would lose its independence.

The author saw individual popes as guilty of unsettling the balance between *regnum* and *sacerdotium*, but he did not criticize the papacy per se. The metaphor of Christian society as a human body was the perfect vehicle for illustrating that both the emperor as the head, and the priesthood as the heart, were necessary for the body to function. He believed that attempts by popes like Gregory VII and Paschal II to cut off the head were doubly egregious, since the head was not exclusively secular, but partook of the priestly essence through union.

The appeal to the Donation of Constantine is one of the most intriguing features of both tracts. As I have already noted, the forgery was widely known, but was generally used only by popes to sanction their ruling authority within the secular sphere. In counter twists, the Ottaviani appropriated it to defend papal property rights and their own, and the *Defensio* to justify imperial prerogatives. But the counts' lawyers may have been wearing two hats—one in directing the counts' case in the arbitration proceedings, and the other in staking out papal claims over the Sabina.

When arguments devolving from the Donation proved to be counterproductive, the counts jettisoned that strategy, and returned to their original defense based upon imperial privileges. They may also have come to the realization that a short term victory over Farfa won through recognition of papal ownership of property in all of the West carried with it far more threatening long range consequences than any menace posed by Farfa. The papacy would be a vastly more formidable power in the Sabina than a local monastery whose monks largely originated from aristocratic families.

The *Defensio* used the Donation of Constantine to justify imperial investitures of bishops and abbots. It argued that if Constantine could place the *frigium* on the head of Sylvester, surely the emperor could invest lesser prelates with ring and staff. These disparate uses of this politically fecund forgery reveal a kind of casuistry prevalent in the polemics in this time of heated competition between church and state. Churchmen were aware that in another sense the Donation was potentially a double edged sword, for they knew that it could be argued that what the emperor could give, he might also be able to take away.

Arguments such as this worked against stability, but provided an outlet for non-violent change. Arguments for and against the perpetual validity of papal and imperial donations, privileges, and decrees functioned similarly. Since the papacy wanted change, it argued against the perpetual validity of these documents, and since Farfa wanted the status quo, it defended their perpetuity.

But the author of the *Defensio* was selective in his logic, for he could argue the case for temporality with equal force. A case in point was the canon prohibiting clerics from swearing oaths. The author noted that it was drawn up in a time when conditions were very different from the present state of the church. He argued that it was not applicable to the contemporary situation in which bishops exercised many functions of the ruler, commanded militias, and served as lords of vassals who swore oaths to them.

The author concludes the *Defensio* with an impassioned defense of Farfa's position. He predicts that on the day of judgment the world will see that its actions have conformed to the orthodox prescriptions of the catholic fathers. But his final note is less an *apologia* than a pragmatic statement of fact. He acknowledges that Farfa's fate is tied to the empire, and that both flourish or languish together. He concedes that no matter what the situation or rationale, Farfa could never relinquish its imperial patronage.

In modern parlance one could answer, "famous last words," for within a decade Farfa was to do precisely that. With the almost simultaneous death of Berald III and the signing of the Concordat of Worms Farfa lost its imperial patronage. What it had so assiduously endeavored to forestall, it now abetted. It became an unwilling participant in the expansion of papal power in the Sabina.

CHAPTER SIXTEEN

THE CONTESTED ELECTION

Striking back with the *Orthodoxa defensio imperialis* was a shot off the bow. Berald was not going to bend in the face of criticism, nor to recede from his commitment to the emperor. However, he was to meet his match in Guy, the intrepid archbishop of Vienne, and future pope, Calixtus II. A scion of Duke William of Burgundy, Guy was related to Henry V and a galaxy of important noble men and women. His lineage enabled him to function on the highest levels, but it did not always issue in harmony. He and Henry had a history of confrontations engendered both by Guy's dynastic ambitions and by the location of his archdiocese within the imperial Kingdom of Burgundy. There, he opposed Henry on local issues, and interceded in major disputes between the emperor and the papacy.¹

Among them were the upheavals of 1111 beginning with the ruptured coronation ceremony in February. Guy harshly criticized Paschal for yielding to Henry's demands on investitures, which Paschal incorporated into a privilege derisively dubbed the *pravilegium*. Even though Paschal later withdrew the privilege because it had been extorted by force, he refused to abrogate his promise not to excommunicate Henry. Guy led the charge to force Paschal to break his pledge, for in his eyes the outrages that Henry had inflicted upon the papacy demanded no less.² Farfa's defense of Henry in the *Orthodoxa defensio imperialis* was a response to Guy's attack and the criticisms of others. We recall that it emphasized that Henry should not be persecuted for avenging the humiliation inflicted upon his father by Gregory VII.

On March 18–23, 1112, Paschal held a Lenten Council at the Lateran to deal with the reaction to the events of 1111. Guy was not present, but his legates spoke for him. It was there that Paschal for-

¹ Mary Stroll, "New Perspectives on the Struggle between Guy of Vienne and Henry V," *Archivum Historiae Pontificiae* 18 (1980), 97–115.

² For a discussion of these issues see Mary Stroll, "Calixtus II: A Reinterpretation of his Election and the End of the Investiture Contest," *Studies in Medieval and Renaissance History* 3 (1980), 3–53.

mally withdrew the *privilegium*, and successfully argued that the church would be rendered asunder by schism if he reneged on his promise not to excommunicate Henry. Berald wrote to Henry to describe this council and to inform him that so far Paschal had resisted the pressure for excommunication. He warned Henry, however, that the threat remained, and that he should come to Italy as soon as possible. He hinted at intrigue and secret maneuvering, and revealed that an embassy would be departing from Rome for Constantinople.³ An initiative to switch allegiance from the German to the Byzantine emperor seems to have been afoot.

He also referred to the situation that existed when Henry was in the Sabina in 1111 after the capture of Paschal. He said that he understood that Henry was very occupied, and was not able to accomplish what the brothers at Farfa had hoped. He expressed confidence, however, that Henry would be able to do so in the future.⁴

Nothing ever came of the diplomatic initiatives with Byzantium, and Paschal prevailed in his refusal to excommunicate Henry. But he was severely weakened, first by buffeting from the emperor, and then from his ecclesiastical critics. Nobles from Rome and Latium continued to oppose him, and in 1116 they succeeded in imposing their candidate as prefect. In the ensuing military clashes Paschal was forced to flee Rome. Fearing reprisals after he returned, the rebels urgently requested that Henry come to their aid.⁵ The next

³ *Bibliotheca Rerum Germanicarum*, ed. cit. 5 *Monumenta Bambergensia, Udalrici Babenbergensis Codex*, letter #162, pp. 289–290; May/June 1112: “Nomina autem praecipuorum euntium ad Constantinopolitanum regem—praeter aliorum plurimorum, quae ignoramus—hec sunt: Gregorius de Romano et frater eius O.; et P. de Rammio Pauli; et O. Iohannis de Luccio.”

⁴ *Ibid.*, 290: “Super hoc autem, quod, hinc recedentes, vestram benivolentiam erga nostram ecclesiam, ceu speravimus, adimplere minime potuistis, non vobis impu-
tamus; quia in maximo labore vos tunc fuisse conspeximus. Nec ob hoc in aliquo claudicamus; quoniam in futurum Deo prosperante omnia a vobis adipisci et recuperare confidimus. Ad ultimum iterum hortamur, ut nullo modo venire tardetis.”

⁵ *Ibid.*, *Codex Udalrici*, #173, pp. 305–306; In January 1116 Henry wrote to Otto, bishop of Bamberg, telling him that his [Henry’s] allies in Rome had asked him to return. “Roma nostri nuntii rediere et Dei gratia ex parte maxima nobis leta et prospera retulere. Mandant etiam nobis nostri fideles, quod tempus habemus acceptabile, ut Romanae sedi et rei publicae consulamus. Quapropter necessario nostros principes convocamus, ut inde sicuti iustum est, eorum consilium et auxilium habeamus. Ad quod plurimum indigemus tuae fidei praesentia et tui consilii prudentia;” Waterich, *Pontificum Romanorum Vitae* 2, n. 1, p. 46.

month (February) Henry sent Pontius, abbot of Cluny as a mediator in the dispute.⁶

Henry himself arrived over a year later in May 1117. He was greeted by Berald, who, the *Liber Pontificalis* emphasises, had been excommunicated three times for sacrilege against the church along with Ptolomeus of Tusculum and Johannes (maledictus) Frangipani.⁷ Henry requested that he be crowned in St. Peter's, but Paschal had escaped to Montecassino, and his spokesmen refused, insisting that only the pope or someone he designated could perform this ceremony. In their arguments the spokesmen urged Henry to reflect upon who his chief supporters in aggression against the Prince of Apostles were. They were, as they pointed out, Ptolomeus of Tusculum and the abbot of Farfa, both excommunicated.⁸

In the face of the pope's intransigence, Henry prevailed upon Archbishop Maurice of Braga to crown him in St. Peter's. The coronation was not celebrated at the *confessio*, but at the lesser tomb of Gregory I. Henry also tightened his bonds with Ptolomeus by marrying his daughter, Bertha, born out of wedlock, to the son of the powerful noble. He favored Berald with lavish gifts, and in May of the following year (1118) he confirmed Farfa's privileges and vast possessions.⁹ The consolidation of imperial power in the Sabina, in

⁶ Ibid., 306–307, #174; Henry writes to Paschal that he is sending Pontius to moderate the dispute; “. . . Idcirco abbatem Cluniacensem ad hoc negotium ascivimus, scilicet virum religiosum et in fide Christi et ecclesie spectabilem. Hunc quoque super hac causa tuae paternitati direximus; parati secundum consilium tuum et ipsius et ceterorum religiosorum pacem ecclesiae diligentium te ab his molestiis eripere, et pacem et concordiam inter me et te indissolubiter stabilire.”

⁷ *Lib. Pont.* 2, p. 303: “Altero namque sequenti anno, rex Henricus in Italiam rediit, manifestus hostis Aecclesiae tantoque infestione bonis ac religiosis quanto benignior malis seditiosisque. Huius consilarii familiaresque abbas Farfensis, qui ob sacrilegium factionemque ab Ecclesia bis terque in capite dampnatus, Johannes maledictus, Ptolomeus, horumque fautores.” Schuster, *Abbazia di Farfa*, p. 254.

⁸ Ibid., 304: “Age, qui sunt pro quibus agitur? Abbas Farfensis et Ptolomeus, uterque anathematizatus.” In n. 48 Duchesne speculates that the spokesmen were a few cardinals left in the city after Paschal and the others had fled. They were probably under the protection of Petrus Leonis because the Lateran was in the hands of the emperor.

⁹ *Regesto* 5, #1318, pp. 302–308; note that Berald had communicated to Henry that there had been much aggression against Farfa by its enemies and those of the empire; p. 302: “Nouerit autem omnium uestrum sagacissima sollertia, quoniam quidam Beraldus uir uenerabilis magnaeque constantiae abbas monasterii beatae semperque uirginis MARIAE coenobii farfensis, una cum eius uenerabili congregatione, nostram adiit excellentiam, intimans nostrae clementiae multas incommoditates, inuisiones et subreptiones, a uiris nefandis nostrique coronae imperii aduersariis, de

Rome, and in the area extending into the Alban hills where Ptolomeus had his base was awesome. It is not surprising that when Guy became pope the following year, he would fight to regain the extensive influence that the papacy had lost. One of the major losers would be Farfa, whose abbot had so tenaciously stood by the emperor, and who had so vigorously opposed Guy's initiatives.

But before Guy, Gelasius II was elected as Paschal's successor. Paschal had returned to Rome in January 1118 only to die in an attempt to retake St. Peter's from Ptolomeus. His chancellor, John of Gaeta, was elected over the protests of the Frangipani, who immediately attacked him, and took him into captivity. In his short, troubled reign, he was attacked by the Frangipani a second time, but escaped capture through the heroic exploits of other Roman families. The Frangipani sided with the emperor, and since Gelasius had not requested imperial confirmation, nor agreed to abide by the concessions made by Paschal to Henry in April, 1111, they did not consider him to be a suitable candidate. Henry hurried back to Rome, arriving only a few days after the election. Gelasius fled to the south, and Henry summoned a council of laymen and clerics at St. Peter's.

Landulph of Sancto Paulo in Milan presents a riveting account of this council.¹⁰ The Romans vociferously objected to the rumor spread

bonis praefati monasterii hactenus illatas, simulque depraecatus est ut inspectam autenticam ipsius monasterii libertatem a regibus uel imperatoribus olim inibi concessam. . . ." among the castles in the Sabina; p. 305: "Item castella territorio Sabinensi: Idest Castrum farae, Arci, Campum s. benedicti, Collem nerae, Foranum, Mocilianum, Terranianum, Limisianum, Podium catini, Montem operis, Buccianum, Tribucum. . . ."

Balzani transmits pp. 310–325 of *Regesto* 5 in the *Chronicon* to give continuity to documents written on blank pages at the end of the *Chronicon* covering a later period. *Chron.* 2, pp. 279–287; Before the privilege the *Regestum* presents evidence of problems; #1316, n.d., pp. 300–301; monks of Farfa excommunicate the usurpers of tithes and other benefits of their churches; #1317, possibly 1116, pp. 301–302; the monks of Farfa present a list of their possessions to Paschal II in a synod, asking for justice in case of usurpation; note in both documents monks—not Berald—who is not mentioned, take the initiative; Vehse, "Die päpstlichen Herrschaft," pp. 160, 163. Vehse emphasizes that the privilege conflicts with papal claims of dues in the *Liber Censusum*.

¹⁰ *Historia Mediolanensis Landulfi de Sancto Paulo*, MGH SS 20:17–49; p. 40: "Ex qua urbe [Rome] simul cum Romanis 4. Nonas Martii [imperator] misit Gagetas legatos, legando Iohanni Gagetano, electo in papam, cardinalibus quoque et episcopis, qui cum ipso erant Gayetis, uti Romam redirent, et in ecclesia beati Petri hoc, quod faciendum erat de papa substituendo, una cum ipsis iuste et catholice facerent. Sept 7. Idus eiusdem Martii in ecclesia beati Petri, presente imperatore Henrico, et populo Romano cleroque astante in aliquo, illud responsum, quod legati imperatoris Romanorum vel cum eligentibus a prenominate electo audierunt et susceperunt,

by Henry's legates that the new pope wanted to move the papacy to Milan or Cremona. Counseled by Innerius and other lawyers, who were reviving the science of jurisprudence in Bologna, they agreed that the laws and the canons dictated that Gelasius could no longer remain pope. A legal expert read and explained at length the decrees of the popes for papal elections, and the papal electoral decree of 1059 must have been among them. Thereafter "tantus populus" elected a certain bishop of Spain. We know this candidate to have been Archbishop Mauritius of Braga.

We recall that it was Mauritius who had recently crowned Henry in Rome when Paschal refused to do so. With credentials as a reformer, Mauritius signaled his identification with Gregory VII by taking the name of Gregory VIII. But by contrast with Gregory VII, he maintained his loyalty to the emperor, and garnered the allegiance of the Frangipani and their allies. While he held St. Peter's, Gelasius was forced to flee to France. Soon thereafter the exiled pope became ill, and died at Cluny on January 29, 1119.

As he lay dying Gelasius discussed possible successors with the small band of cardinals who had accompanied him. In the face of strong competition Cardinal Petrus Pierleoni worked assiduously for Archbishop Guy of Vienne. His efforts were rewarded when Guy was elected on February 2 and took the name of Calixtus II. Needless to say, neither version of the papal electoral decree of 1059 was invoked, but the electors did seek and receive ratification of their actions from the main body of cardinals in Rome. While Petrus Pierleoni had campaigned for Guy's election at Cluny, his father, Petrus Leonis, spearheaded the drive for Guy's acceptance in Rome. We recall that Petrus Leonis had served as the president of the arbitration

quodam modo relatum est, videlicet: quod in proximo Septembri ipse cum cardinalibus et episcopis provinciarum Mediolani vel Cremone esset, et tunc Romani et imperator, quid agendum sit de se in papam electum, vel alium substituendum, per doctrinam cardinalium et episcoporum sufficienter cognoscerent. Romani vero non intelligentes, hanc responsionem fore sufficientem et legibus et canonibus atque suis petitionibus convenientem, comoti clamaverunt: 'Numquid honorem Rome volunt illi transferre Cremone? Absit. Set ut ubique valeamus astutias eorum opprimere, qui a nobis exierunt et Caietas fugierunt, secundum auctoritatem legum et canonum eligamus nobis papam prudentem et bonum.' Iuxta istam vel consimilem formam verborum Romanorum magister Guarmerius de Bononia et plures legi periti, populum Romanum ad eligendum papam convenit; et quidam expeditus lector in pulpito Sancti Petri per prolixam lectionem decreta pontificum de substituendo papa explicavit. Quibus perfectis et explicatis, tantus populus elegit in papam quondam episcopum Yspane, qui ibi aderat cum imperatore." Stroll, *Symbols as Power*, p. 75.

proceedings between Farfa and the Ottaviani held in San Nicola in Carcere in 1104, and that he had been disposed to rule in favor of the Ottaviani.

The election of this tough anti-imperialist did not augur well for Farfa. In the fall after his election Calixtus called a Council at Reims to deal with outstanding issues in the church, and to try to reach an accommodation with Henry on investitures. When the extensive negotiations came to naught, Calixtus concluded the council by excommunicating Gregory VIII and Henry along with a number of his followers, including Berald. It was not an auspicious moment for Farfa, and when Berald died on December 14 of the same year, Farfa's fateful denouement began.

Farfa After Berald

Gregory of Catino penned an exalting encomium to the abbot, whom he saw as Farfa's savior. He acknowledged that just as God had his critics, who spoke from lack of knowledge, so also Berald had his detractors. They saw him as a tyrant, and as a dissipator of the property of his monastery. To set the record straight Gregory described his accomplishments. He pointed out that Berald took over Farfa in a time of great danger to the monastery from envious neighbors, but even more, from the Roman pontiff.¹¹ We had been like sheep not having a pastor when Berard II died, Gregory lamented. The counts and the *capitani* tried to gain control of Farfa's property, but the monks responded by electing Berald from the powerful family of the Ascari (*gens Anscarina*). Gregory rejoiced that with the help of the Lord and his mother, Berald was able to deal with the dangers. He thwarted the designs of the predators, and even brought many of them into his fold as faithful clients.

But larceny remained within the hearts of many of these quiescent opponents, Gregory reported, and they began to return to their predatory ways. Unaware of any conspiracy, Berald made a journey into the March [of Ancona]. Seeing their chance, the rebels invaded our towns, and scattered their inhabitants. Berald quickly returned, put

¹¹ *Regesto* 5, pp. 308–310; p. 309: “Enimvero ipsius praelationis diebus periculosa tempora perspeximus, et quaedam inaudita contraria aduersus hoc monasterium inuidiae causa a nostris uicinis, et maxime a pontifice romano, iniuste effici minime ignoramus . . .”

down the revolt, and summoned a placitum to solemnize the outcome. His family showed its support by donating a church and four priests. Many other donations followed. At the end of this long list Gregory mentions certain other things that the emperor, Henry, had conceded to Farfa. For all of these accomplishments Berald ought to be praised and held in good memory, Gregory concluded. But, he prayed, if Berald were sluggish in some of his duties, and favored his family above the norm, we should be understanding.

At the time of Berald's death at the end of 1119 Farfa was still thriving and prosperous. Henry V's confirmation of Farfa's property the year before contained a whole section devoted to property acquired under Berald.¹² The "ornamenta" that Gregory tabulated after his death were notable both for their great value, and for the eminence of their donors.¹³ The first benefactress whom Gregory mentions is Agnes, the wife of Henry III, and regent for her son, Henry IV. The second is lord Oddo, who reigned as abbot only a short time during 1099, and who is the only abbot beside Berald to be named. The third is a lord Romanus.¹⁴ Thereafter Gregory lists the objects and their donors by categories. He mentions four coverings for the major altar. The first was given by "domnus Heinrichus imperator," the second by the aforesaid queen [Agnes], the third on the occasion of Pentacost, and the fourth by lady Raimburga, daughter of Longinus.¹⁵ Totadomna, a nun, embroidered the beautiful mappula over the altar.

The coverings of the other altars follow a similar pattern of donations; the first by king H.[enry], the second by the previously mentioned queen, the third by Berald himself, and the fourth is identified only as [embroidered] "cum leonibus."¹⁶ The aforesaid He.[nry] is mentioned again as the donor of a beautiful imperial purse (*crumena*) as well as a large *frigium* from his own garments and another from different garments. The *frigium* in this context is usually understood to be an embroidery or fringe.

¹² Ibid., 306: "Insuper res et ecclesias quas praedictus Beraldus temporibus suis in ipso monasterio acquisiuit."

¹³ Ibid., 310–311; p. 310: "Haec autem sunt ornamenta quae hac in ecclesia ipso die quo migravit certissime reliquit." Schuster, *Abbazia di Farfa*, pp. 259–260.

¹⁴ Schuster, op. cit., p. 260, identifies Romanus as a rector or vicar.

¹⁵ Ibid. Schuster believes that Longinus was the son of Azzone, who, during the reign of the abbot Suppone, in 1039 donated vast possessions in the March to Farfa.

¹⁶ Ibid. Schuster argues that even though the "Henry" is not further identified that it is most likely Henry V.

Continuing his inventory, Gregory records that this same Henry also donated pastoral staffs, banners, offertories, luxurious liturgical garments embroidered in gold and silver, altar coverings, and tapestries. In conclusion he lists a golden bull *in praecepto* that the aforesaid Henry of good memory made to this church [Santa Maria]. In addition to these *ornamenta* and others not identified by donors, Gregory states that there are still others that he could not remember.¹⁷

Most of the donations were traditional, but one was striking. This was the *frigium* donated by one of the Henrys, almost certainly Henry V. "*Frigium*" is probably a version of "*phrygionius*," meaning embroidered. The adjective is derived from the Phrygians, who were noted for their skill in embroidering in gold. But using the word, *frigium*, for the embroidery or fringe taken from garments pointedly identified as imperial suggests possible double entendre. At the time that Gregory was writing "*frigium*" would probably have been more identifiable as the papal headdress rather than as a fringe or an embroidery.

We have seen that the Donation of Constantine was in the forefront of attention at Farfa, having been used both in the arbitration proceedings with the Ottaviani and in the *Orthodoxa Defensio Imperialis*. Among the imperial symbols that Constantine allegedly transferred to Silvester was the *frygium*. The text states that Constantine had wanted to grant Silvester his own golden, jeweled crown, but that the pope did not find it appropriate to cover the clerical tonsure with such a crown. Instead, as a sign of the resurrection, he accepted the white *frygium*, which future popes would wear in processions.¹⁸ It may not be too fanciful to wonder if the use of the word "*frigium*" in the inventory of Farfa's treasures may not have been

¹⁷ *Regesto* 5, p. 311: "Crumenam j. imperialem quam ei donavit predictus He. imperator quae fuit optima. Item frigium non modicum uestis praedicti imperatoris et alius ex diuersis uestibus. Item mitra j. Virgas pastorales ij. Vexilla ij. Offertoria viij. Camisiales c. Stolas vj cum manipulis suis textas auro. Unam earum cum squillis aureis, et semicintium cum aliis xxiiij. Dorsalia pallii ij iuxta altare. Tapetia xv. Bullam auream j. in praecepto quod fecit huic ecclesiae praedictus H. imperator bonae memoriae. Omnes suprascriptas res et alia plurima ornamenta praelibatus domnus Beraldus abbas in hac reliquit ecclesia, quae nobis non reducuntur ad memoriam."

¹⁸ Mirbt/Aland, *Quellen zur Geschichte des Papsttums und des römischen Katholizismus* 1, p. 255: "ipse vero sanctissimus papa super coronam clericatus, quam gerit ad gloriam beati Petri, omnino ipsa ex auro non est passus uti corona, frygium vero candido nitore splendidam resurrectionem dominicam designans eius sacratissimo vertici manibus nostris posuimus, et tenentes frenum equi ipsius pro reverentia beati Petri stratoris officium illi exhibuimus; statuantes, eundem frygium omnes eius successores pontifices singulariter uti in processionibus." Walter Ullmann, *The Growth of Papal Government in the Middle Ages* (London, 1955, repr. 1965), pp. 311-313.

intended to suggest that just as the pope had received imperial authority from Constantine, so also the abbot of Farfa received imperial authority from the German emperor.

The imperial contributions to Farfa's treasures show that the emperors were generous patrons down to the time of Berald's death. Henry V's privilege of 1118 and his response to the entreaties of Berald and his allies to come to Rome to deal with urgent problems there demonstrates that far from being a distant and abstract patron, the emperor continued to exercise a real authority. The close bonds between Farfa and the emperor constituted a threat to the papacy's ambitions, but the threat was to be shortlived, for the emperor was soon to recede from the scene.

The Decline of Farfa

From the pinnacle of prosperity revealed by Henry's confirmation of Farfa's property in 1118, and by Gregory's tabulation of Farfa's wealth at the time of Berald's death, the fortunes of this once illustrious monastery began a long, but uneven decline. The struggle over choosing a successor to Berald burgeoned into a struggle for Farfa's autonomy. The arrival on the scene of such a forceful pope as Calixtus II could not have come at a worse moment. The monks had no reason to hope that he would be slow to seize any opportunity to gain advantage over their monastery, which had supported his nemesis, Henry V. Calixtus knew that control of Farfa would be a major step in incorporating the Sabina into a virtual papal kingdom carved out of the Patrimony.

The election of the new abbot had class as well as political overtones. In an attempt to break the domination of the higher nobility, the *ministeriales*, *villani*, and *rustici* opted for Guido, Farfa's sacristan of low birth. The traditionalists preferred Rainald, a member of the nobility. Gregory relates the catastrophic events from the perspective of the traditionalists.¹⁹ The following is his account.

The brothers elected a committee of twelve to make recommendations to the whole body, and they promised to accept the recommendation of the advisory group. But some of them were not prudent. These brothers—supporters of the people of the abbey—stated that

¹⁹ *Regesto* 5, pp. 311–325.

they would neither accept a member of the *gens Ascarina*, nor anyone “de camponisca uel octauianisca consanguinitate” as abbot. This prohibition ruled out a large proportion of the nobility, forcing the committee to consider non-nobles.

The obvious candidate was Guido, the sacristan who had gained the confidence of Berald, and who had the respect of the monks. In secret the committee tentatively, but not definitely, agreed to nominate Guido. But word of its inclinations leaked out, and the people put great pressure on the committee to recommend this non-noble. With the support of certain knights (*equites*), the people publicly, and disgracefully acclaimed Guido as abbot. Then, in defiance of the three-day fast, they lifted the sacristan up on their shoulders, and triumphantly bore him into the church.

Deeply distressed by these aggressive actions of the people and the knights, the brothers snatched Guido from the hands of the *rustici*, and expelled them from the abbey. But shaken by the opposition of the knights and the ferocity of the *villani* and the *rustici*, they were determined to stamp out the rebellion forthwith. To make sure that a coup could not be carried out, they excommunicated the rebels. Guido himself confirmed the sentence.

Then, accepting the counsel of some of their most sagacious bretheren, the brothers quickly elected Rainald as abbot. As a relative of Berald, Rainald held views similar to those of the traditionalists. But selecting an Ascarina in defiance of the people's declaration was tantamount to laying down the gauntlet. The people responded to the challenge by swearing that they would never accept Rainald or any other member of the Ascarina family as abbot.

At this juncture the revolution took on a military character. The people enlisted Frederick, son of Margrave Werner, to compel the brothers to accept Guido. For four days the brothers held out, but the increasing tumult soon forced Rainald to flee. Having no alternative, the monks agreed to accept Guido as their abbot. To signify their liberty, however, the people did not swear fidelity to their own candidate. Gregory reports that the monks fought against this infringement of Farfa's traditions, but he does not reveal precisely what the outcome of the struggle was.²⁰

Not foreseeing future evils, the abbey submitted Guido's name to the emperor for confirmation. But as Gregory saw it, the crafty Guido

²⁰ Ibid., 312: “. . . cui [Guido] populus abbatiae non consuetam fidelitatem fecit,

secretly sent his own emissaries to the emperor bearing a letter simulating protest that he was unworthy of the office, and recommending that Henry reject his election.²¹ Seeing through the sacristan's deception of professed humility, Henry rejected Guido for a known quantity—a nephew of Berald bearing the same name. Henry's action neither conformed to the Benedictine Rule nor to Farfa's own customs.²² But in looking deeper into the reasons for Henry's decision, Gregory concentrated on why the people had insisted upon Guido. He concluded that they opted for the sacristan because he was humble and lacking in knowledge, and would therefore not try to control them.²³ Rather, as one of their own, they believed that he would tolerate their depravities. Unfortunately, Gregory lamented, the monks were soon to learn that their suspicions were correct.

He then points out that St. Benedict had spoken of the case in which acting from base motives, the monks elect an unworthy abbot. He reminds the brothers that the *Rule* states that if guided by their own moral failings, the whole congregation should elect an abbot, the *domini loci* should prohibit this consensus from prevailing.²⁴ Gregory argues that it was believed that this was what the emperor had done. Because the sacristan pretended to relinquish what he so avidly desired, the emperor recognized his deception, and rejected him. It seemed obvious to everyone, Gregory observes, that the election was not due to the clerics and the monks, but rather to the *villani* and the *rustici*. Speaking candidly of what he thought of the people,

sed salua sua libertate. Hoc nos omnino spreimus et maximo labore corrigere fecimus. In qua re cum nos signare putauimus, digitum in oculos misimus.”

²¹ Ibid.: “E contra deceptibilis guido suas simulatorias seu furtiuas litteras eidem imperatori mandauit clanculo, ut minime consentiret huic suae electioni quia persona despicabilis, nobilitate ignobilis, scientia ignarus esset, et ad hoc digne officium perficiendum per omnia inutilis foret et ineptus. Quibus imperator uisis ut credimus, eius deceptionem deo suggerente in eis cognouit, nam scriptum est ‘cor regis in manu dei . . .’”

²² Ibid.: “Quo facto et nostra defecit electio et huic coenobio, ut in posterum dicetur, incepta est grauissima desolatio. Et hoc contra sanctam regulam nostramque consuetudinem noscitur extitisse.”

²³ Ibid.: “Fatendum est autem de praedicti guidonis praelatione quem populus sibi proponi gliscens petebat, ideo agebat ut quia cum esset humilis persona et paruulus scientia, non eis dominaretur uti dominus, sed ceu uicinus illorum uitiorum faueret prauitatibus, quod pro certo non multo post experimento didicimus.”

²⁴ Ibid.: “‘Si omnis congregatio uitiis suis consentientem personam pari consilio elegerit, domini loci prohibeant prauorum praeualere consensum.’ [S. Benedicti *Regula*, cap. 64] Quod certe imperator fecisse creditur.”

he says that the tail has become the head, and from the sublime head has come the vile extremity.²⁵

But Gregory asserts that even after Guido had been spurned by the emperor, he nevertheless wanted to retain control of the abbey, and the monks were amenable. They continued to esteem him, and did not wish to lose him for another.²⁶ Still exemplary in his conduct at this point, the controversial abbot observed the vigils and the masses. Moreover, following in the tradition of his predecessors, he swore to abide by the constitution drafted by the venerable abbot Hugh.²⁷

In 1120 Guido worked out mutually advantageous arrangements with the lords of the formerly contentious castles of Collis de Nera and Foranum. The lords returned some property, and swore fidelity to Farfa and to Guido.²⁸ Guido then promised that neither he nor his successors would confiscate the castles nor place any ministerialis or castelain over them without their counsel. "And," he pledged, "we shall help and defend you, just as [we help and defend] our other knights and castles."²⁹

Then, in a significant break with his predecessor, Guido returned a brief which he claimed that the lords had unwillingly presented to Berald. Never should they suffer calumny nor any damages from this or any other brief, either now, or in the future, he vowed.³⁰

²⁵ Ibid., 313: "Notum ergo omnibus uidetur quia electio eius non fuit clericorum nec monachorum, sed potius villanorum et rusticorum. Et non laicorum ad clericorum, sed magis clericorum uoluntas conuersa est ad laicorum, et ut dici potest, corporis cauda caput est facta, et de capite sublimi fit extremitas uilis."

²⁶ Ibid.: "Nos tamen illum adhuc sincerius diligebamus, nec eum pro aliquo amittere uolebamus. Videbatur enim ecclesiasticus in nostris officiis, et sepius praeueniebat plurimos in matutinorum uigiliis. Missas quoque sollemnitate agere non omittebat. Constituit uero et confirmauit una nobiscum nostro regimini omnique conuentui quoddam utilimum decretum, quod eius antecessores abbates uel sacramento uel uera statuerant sponsione."

²⁷ Ibid., #1320, pp. 313–315.

²⁸ Ibid., #1322, p. 316.

²⁹ Ibid., #1323, an. 1120, pp. 316–317: "Ego Guido . . . cum nostra congregatione, promittimus uobis dominis de castro collis nerae et forani, qui fecistis cartam proprietatis de ipsis castellis in nostro monasterio, ut neque nos neque aliquis successor noster tollamus uobis ipsa castella neque mittamus in eius aliquem ministerialem super uos, neque castaldum, sine uestro consilio, et adiuuabimus uos et defendemus sicut alios nostros equites et castella nostra."

³⁰ Ibid.: "Et reddimus uobis breuem ipsum quem fecistis inuiti ad domnum abbatem beraldum, ut nunquam per ipsum uel per alium breuem contra uos factum, lesionem aliquam uel calumniam habeatis de ipsis rebus, neque uos neque haeredes uestri usque in finem scripti uestri." According to C. F. Du Cange, *Glossarium mediae et infimae latinitatis*, "brevis" is: "Inventarium, rotulus, chartula continens indicem, seu summariam rei cuiuspiam descriptionem."

Although Guido did not specify what the brief concerned, an obvious possibility was the property dispute between Farfa and the Ottaviani from 1103 to 1105. Neither the charters nor Gregory's account of the dispute in the *Chronicon* reveal that Berald forced the lords of Collis de Nera and Foranum to accept conditions against their will. It is possible, however, that such information was omitted.

Another document reveals that good relations existed between the monks and Guido during the early days of his reign. In a privilege that they granted to the castles that had remained faithful to Guido during the dissensions that arose over the elections, the brothers express gratitude to their abbot. They state that abbots from Berard I had confirmed their rights, and that Guido followed in their steps. Under his authority, therefore, they assert that they are able to confirm the rights of the fortifications that they name.³¹ In the vast system of leasing property in *enfiteusi*, certain property was declared to be inalienable as the *mensa conventuale* for the support of the monks. The castles named comprised this inalienable property.

This halcyon hiatus between conflicts came to an end when imperial legates arrived with a letter from the emperor commanding the monks to receive Berard Ascarellus [IV] as their abbot.³² In what may have been the first time that they ever defied imperial author-

³¹ Ibid., #1324, an. 1119–25, pp. 317–318. Privilege conceded to Petra Daemonis, Scandriglia, Fara, Rocca Salisano, Bucciniano, Montopoli, Tribuco & Arci, which had remained faithful to Guido during the dissension at Farfa. “Nos omnes fratres congregationis beatae dei genitricis semper uirginis MARIAE dominae nostrae. . . . Notum esse credimus uestrae dilectioni, quoniam populus noster de castello huius ecclesiae quod dicitur petra daemonis, in dissensione nostra et huius monasterii defectione, quae, nostris peccatis exigentibus, nobis acciderunt pro abbatum electionibus, ipsi omnes fideliter et uiriliter permanserunt in sanctae MARIAE nostrique conuentus fidelitate. . . . [The abbots from Berard I have confirmed the rights of the brothers] et iste praesens abbas domnus guido similiter reconfirmans omnia nos inuestiuit, sic nos omnes per eius licentiam, ut diximus, confirmamus et sub perpetua excommunicatione stabiliter ordinamus, ut nullus praelatus aut ordinatus huius monasterii, nec quisquam homo, audeat ipsam pertinentiam praedicti castelli petrae daemonis quolibet modo minuere, aut indicium uel consilium dare, aut immissionem aut inuasionem aliquam facere. . . . Si quis uero temere, uel quolibet ingenio, petram daemonis, scandrigliam, faram, roccam, salisanum, buccinianum, montem operis, tribucum cum rocca, et castrum arcis alienare uoluerit a conuentu farfensi, per scriptum seu concambium, et qui facit uel qui consentit uel medietur, et qui accipit, sciat se consensu omnis farfensis conuentus maledictum excommunicatum anathematizatum . . .”

³² Ibid., 318–324, an. 1119–1125, narration of the dissension raised by the elections and the misgovernment under Guido III; p. 318: “Interea uenerunt legati imperatoris litteras ipsius ostendentes, quibus iubebat nobis ut berardum ascarellum in abbatem reciperemus.”

ity, the monks rejected the command, hoping that Guido would prove to be more useful to them.³³ But their hopes were dashed as the adulation of the people gradually seduced the former sacristan to identify with their point of view.

Or at least that was the way that Gregory saw it. As a member of this non-aristocratic class, Guido already held their values, and Gregory now observes a change in his behavior toward the aristocratic monks. Even though they continued to love him, Gregory sensed that he became increasingly suspicious of them.³⁴ Gregory noticed that he began to treat them with cruelty and contempt, engaging in such barbarities as beating with his own hands youths guilty only of having spoken in a light vein. Then stripping them of their outer garments, Gregory charges that he would throw them out.³⁵ We do not know what these youths were saying, but it would not be surprising if they were taunting their less cultivated and educated abbot. If such were the case, Guido probably became infuriated, and reacted harshly.

In the midst of this turmoil word reached the monks that Berard Ascarellus had arrived in the March. Summoning a council on April 25, 1121, they voted never to accept him as abbot on the grounds that he had secretly gone to the emperor, and had received investiture without having been elected. They publicly excommunicated the pretender, but their firm rejection of Berard only made Guido more secure, and less temperate.³⁶ Berard, in turn, seeing that the monks

³³ Ibid.: "Quod nos tunc omnino spreuimus, eundem guidonem sperantes in futurum habere nobis uiliorem."

³⁴ Ibid.: "Et non multo post idem guido coepit de nobis titubare et contra nos suspicionem habere. Verum nos oppido dolentes affligebamur, quoniam spe quam estimauimus de illo frustrabamur. Et quidem nos illum sinceriter diligebamus, et ut dominus liberrimus per omnia esset hortabamur, ipse uero nos in profundum demergere et ad nichilum redigere, uiliusque uenundare vel commutare moliens conabatur. Ab omni autem populo omnino despicabilis habetur, nosque illum uti praeclarissimum dominum uerebamus."

³⁵ Ibid.: "Ipse uero laicorum adulationibus uti mallens quam nostrum habere sincerissimum amorem, nosque per omnia floccipendens, coepit contra nos inconditos ostendere mores, et in tantum tyrannidem execrabiliter exercere, ut quosdam iuuenes in ipsum uerbo solummodo delinquentes leui, propriis manibus uerberaret, et sublata ab eis monachili ueste positos in tu . . . [d]e huius ecclesiae haerediate expellens abiceret."

³⁶ Ibid.: "Unde terribilem anathematis excommunicationem publice de eo fecimus, et concorditer in hoc nos permanere per fustem sanctae crucis spopondimus. Sed neque sic eundem guidonem nobis placare, nec securum reddere quiuimus. Magis uidens nos berardi ascarelli tam firmissimo nisu declinasse praelationem, securus iam de eo, uilissimos nos in omnibus, et extremis seruis deteriores habere deinceps cogitabat."

held him in contempt, turned to Werner with all of his counts and *capitanii* for military support. With the property of Farfa as a future pledge, Berard offered them huge amounts of money. Only count R[ainald] refused to consider such blandishments, because he believed that his acceptance would infringe the fidelity he had sworn to the emperor.³⁷

When the monks saw that rather than providing any support, Guido only increased his cruel tyranny, they began to regret that they had bowed to the will of the people.³⁸ Acceding to the advice of the counts and the *capitanii*, and to the command of the emperor, they released Berard from his sentence of excommunication and elected him as their abbot on May 2, 1121.³⁹ Berard IV and Rainald, the first abbot elected, reached an accommodation in which Rainald received the monastery of Sanctus Johannes de Monte and certain other lands. Rainald also insisted that if Berard ceased to be abbot, the abbey would be yielded to him.⁴⁰

³⁷ Ibid.: "Cernens autem praedictus berardus ascarellus se a nobis esse contemptum, guarnerium marchionem cum omnibus comitibus et capitaniis ademit magnis pecuniis, tribuens eis in pignus huius monasterii immobiles possessiones. Solus comes R. noluit ab eo aliquam recipere dationem, quia uidebatur sibi contra imperialem quam fecerat agi fidelitatem." Archangelus de Alexandris, fol. 81r.

³⁸ Ibid., 318-319: "Nos uero uidentes in nullo posse sperare in guidonis praelatione, cui tantam ut praediximus subiectionem exhibuimus ut amplius addere nequiremus, et ipse contra nos semper agere stagebat deterius, poeniteri coacti sumus quod uoluntati nostrorum populorum condescendimus..."

³⁹ Ibid., 319: "... et accepto quod nobis et comitibus atque capitaniis utilius uidebatur consilium, ut iussui obsecundantes imperiali eundem berardum super nos reciperemus, hoc enim rectius decernentes nobis amplius laudauerunt. Videbant enim totam distrahi omnimodis abbatiam, et praedictum guidonem deficere sensu atque congrua praelatione. Abundabat enim omni mendacio et falsissimus noscebatur in omni locutione. Itaque praefatum berardum inter nos uenientem et seipsum accusantem fratres susceperunt, et de excommunicatione illum extrahentes, ut moris est in abbate elegerunt. Factumque est anno domini millesimo cxxj, uidelicet ij nonas maias, feria quoque vj. Cui etiam castella et possessiones huius monasterii et quotquot de nostro populo ualuimus, subiecimus." Archangelus de Alexandris, fol. 81r: [Bernard invades Farfa with the militia he was able to raise] "ad cuius introitum, commotus Conuentus ne Imperialem spernere uideretur maiestatem Berardum humaniter (licet non absque suspicione mali) suscepit, et hoc praecipue propter Guidonis immanitatem, et ingratitudinem, seque Berardum Abbatem in sedem Abbatiam collocavit anno Domini 1121, sexto Nonas Maij idest 2 Maij."

⁴⁰ Ibid. Rainald responds to the brothers: "Vos abbatiam michi dedistis et postea inique ablata est a me et sine canonico uel legali iudicio, siue etiam gratis, nunc autem nil habeo dare possum nec debeo. Verumtamen pro uestro alloquio, dilectissimi, hoc inquit, ut isto uiuente et abbatia tenente, interim quiescam et neque litem neque guerram ei faciam, si ipse omni tempore obseruauerit quod michi sacramento firmauit. Quod si iste quoquo modo abbatem esse desierit, denuntio et

It is at this point that the history of Farfa changes drastically and decisively. Isolated by the reconciliation of his opponents, Guido felt that his only move was the previously unthinkable—to turn to the pope.

notum facio quia propter hoc quod uestrae nunc caritati cedo, meam iustitiam uel rationem rectam nunquam exinde amittere uolo nec in aliquo malignari patiar.’” Schuster, *Abbazia di Farfa*, p. 267.

CHAPTER SEVENTEEN

FROM IMPERIAL TO PAPAL PATRONAGE

From the papacy's point of view, it was about to gain an ally that had long been a thorn in its side. From the brothers' point of view, they were about to lose their liberties. From the point of view of promoters of ecclesiastical reform, it was a matter of indifference, for reform was not the issue. The main priority of Calixtus II was to control Farfa, not to reform it.

Guido moved quickly to fortify himself. He fraudulently took over the fortress of Fara, and secured the fidelity of the *mensa conventuale* and the castles that the monks had just promised to help and to defend—Bucciniano, Tribuco, Arces, Mons opuli, and Petra daemonis.¹ At the time that the monks had made their promises Guido had enjoyed good relations with all of the parties. Now, he was willing to incur the wrath of the monks by severing old ties, and establishing new ones. His aim was nothing less than revolutionary. On the advice of certain monks, and urged on by the knights, he decided to seek the approval of Calixtus II to transfer Farfa from imperial patronage to subjection to the papacy.² Lightly casting aside the oath that he had sworn at the beginning of his "accursed election," Gregory of Catino commented ruefully, Guido vowed to send the monks who did not favor this change into exile.³

The pronouncement threw the brothers into a state of disarray. The *maxima et maior pars* of the congregation refused either to elect another abbot or to relinquish Farfa's ties to the emperor.⁴ Farfa

¹ *Regesto* 5, p. 319: "Cernens autem praedictus guido his se tunc resistere publice nullatenus posse, praesidium sibi quaesivit fare castris nostri, et ad eius fidelitatem remanserunt castella haec: Buccinianum, tribucum, arces, mons opuli, petra daemonis."

² *Ibid.*: "... ut papae callixti adhuc aduersarii imperatoris suffragium acquireret, et hanc abbatiam de imperiali patrocinio suptraheret..." Archangelus de Alexandris, fol. 81r: "insuper, et monachis suasit, ut Imperatoris negligentes fidelitatem, Summo Pontifici Calixto se subicerent, eiusque niterentur presidio et Abbatiam redderent liberam, et de Imperatoris eruerent iurisdictione:"

³ *Ibid.*: "... et si nos illi in hoc non faueremus, in cauae exilium omnes transmitteret, paruipendens sacramentum fidelitatis a se factum in primordio suae execrabilis electionis." Archangelus de Alexandris, fol. 81r: "renitentibus autem ad haec monachis minatur se extra Abbatie fines expulsuros..."

⁴ *Ibid.*: "Quo nos cognito, cum maxima et maior pars congregationis nollet a

had always wisely avoided subjection to the papacy, Gregory stated, and its monks would never willingly seek it. Moreover, they felt that they were not without leverage, for they had the safeguard of the privilege of Nicholas II. Its declaration that no one could subjugate the abbey and its goods to the Roman curia or to the papacy had preserved their independence for more than half a century.⁵

Armed with the support of what they thought to be this ironclad authority, they declared themselves to be subject to Berard IV, and dispersed to various churches and other properties of the abbey.⁶ Anticipating a lengthy stay, they brought with them some of the *ornamenta* and books that would be useful to their life in exile. It was the beginning of what would turn into a civil war lasting five violent and acrimonious years. In the end the monks in exile would lose, and Farfa would be firmly ensconced in the papal camp. Just as in the case of the later revolt of the Lombard communes against Frederick Barbarossa, a religious patina covered what was basically a political struggle.

Gregory describes the deprivations and miseries of life in exile, but calls attention to the benevolence and generosity of Count Rainald and his brother, G.[entile], sons of Senebaldus.⁷ This is the same Rainald who had presided over the arbitration proceedings to adjudicate the property dispute between Farfa and the Ottaviani. Many of the other neighboring people treated the monks less well, and sometimes even with derision and contempt. If the monks tried to

patrocinio imperiali discedere, nec alterius electionem uellet facere, aut in papati curia transire, quia omnes praedecessores nostri hoc omnino fugientes cauere sagaciter."

⁵ Ibid., 320: "Sed et nicolaus papa ij, apostolica auctoritate sub anathematis pauendi interdictione decreuit, ut nemo hanc ecclesiam suaque bona omnia curiae romanae uel papati subiugare audeat." *ibid.*, pp. 292-294 at p. 293 for the decree of 1060: "... quod hoc monasterium nullatenus sub iure et dominatione praefatae romanae ecclesiae uel sub tributo aut pensione esse debet, idem domnus apostolicus non solum se recognouit nullum dominium in iure ipsius monasterii se habere, excepta consecratione, sed etiam omnes res tam in territorio sabinensi quam in romaniam sitas. ... ut si aliquis papa aut imperator unquam hoc monasterium alicuius personae ditioni subiugauerit, in christi aduentu dum uenerit iudicare saeculum per ignem, rationem inde reddat et se deliquisse pro hac causatione recognoscat. ..."

⁶ Archangelus de Alexandris, fol. 81r: "... ad cuius minas perterriti fratres et de Berardi incerti auxilio, sponte discesserunt a Monasterio et ad diversa loca nostri Conuentus aufugerunt, et precipue in Sancti Laurentii in Picti, monasterio habitare coeperunt."

⁷ *Regesto* 5, p. 320: "In qua graviori penuria illustrissimi comitis R. senebaldi et eius fratris G. nobis amplior affuit benignitas, impertiendo nostrae necessitati alimonia plurima."

explain, no one believed them. They reminded the monks of the delicate food and the tinted drinks that they were accustomed to consume in their solemn ceremonies.⁸ Honest men, who blamed the exodus from the monastery on the monks, saw the exiles as particularly culpable.⁹ Even Berard IV, for whose sake they had abandoned the monastery, did not attempt to establish a regimen over them, or to extend any kindness. He neither promised the customary obedience to the brothers for the lands given to Farfa that he held, nor administered this property for their support.¹⁰ Gregory states woe-fully that the brothers suffered unspeakable cruelties.

Under these wretched circumstances some of Farfa's knights (*de equitibus nostris*) suggested that Lord Adenulf, the son of Count R.[ainaldus], become abbot. They pointed out that he was a person of excellence for whom they would be willing to fight.¹¹ Not all of the brothers were convinced that Adenulf would make a good abbot, however, for they remembered that his father, his grandfather, and even his great grandfather had not respected Farfa's property rights, and had engaged in many conflicts with Farfa.¹²

The elders whose opinion was especially respected, however, argued that the sins of the father should not be visited upon the son, and that Adenulf should not be rejected for what his family had done. These older, more experienced monks compared Adenulf with Moses, who at first had been rejected by the people of Israel, but who afterward saved them from servitude in Egypt.¹³ Softened by

⁸ Ibid.: "Nonnulli etiam de notis uel ignotis, et uicinis uel circum manentibus, in multis nos deridebant, et cibos delicatos ac pigmentorum potus in praecipuis sumptos solemnibus, ad memoriam subsannando nobis deducebant, factique sumus in opprobrium uel derisum atque contemptum cunctis uicinis, et propriis et alienis, iccirco omnium facies uerebamur, et si quibus nos excusare uolebamus nullo modo nos credebant."

⁹ Ibid.: "In hoc permaxime ab honestis culpabamur uiris, cur de monasterio uoluntas discedendi praefuit in nobis."

¹⁰ Ibid.: "De terris uero quas nobis sibi dantibus ipse retinebat, consuetum nobis obsequium aut aliquo adminiculum nequaquam administrare faciebat."

¹¹ Ibid.: "Praeterea nonnulli de equitibus nostris cupiebant assumere in abbatem domnum adenulfum comitis R. filium, pro eo quod altae uideretur excellentiae, ut per eum semper in magno forent certamine et nunquam pugnare quiescerent, et ut pro hoc ipsi apud eum prae omnibus cariores existerent."

¹² Ibid.: "Quidam uero nostrorum cognoscentes equitum uoluntatem de domni adenolfi abbatis assumptione, non modice dubitabant, quia pater eius et auus etiam abauus cum huius ecclesiae praelatis plurimas habuerunt discordias, et de multis rebus quas haec acquisiuit ecclesia multotiens contrarii extiterant."

¹³ Ibid.: "Ad quod grauiore senioribus rationabiliter respondebant dicentes: 'quia congruentius agemus, si sacrae scripturae dicenti credamus: "Filius non portabit

these and similar arguments, many of the brothers refrained from an outright rejection of the new candidate.

Gregory implies that Guido opposed the substitution of Adenulf as abbot, and that he prevailed upon Calixtus to come to Farfa with a large army to assure that no such transition be affected.¹⁴ Writing in the seventeenth century from ancient manuscripts, Archangelus de Alexandris summarizes these moves. He says that with the increasing discord, Guido approached Calixtus, asking him to come to the nearly destitute monastery in order to subject it to himself [Calixtus]. He further states that Guido wanted Calixtus to occupy the county with his militia in order that it be free from the power of the emperor.¹⁵ This account emphasizes that the point at issue was whether imperial or papal authority should predominate in the Sabina.

Calixtus responded to Guido's request. Taking advantage of a military excursion into the territory of Tivoli to continue on to Farfa, he arrived with a huge army on June 24, 1121. His ostensible objective was to celebrate the feast of St. John the Baptist, but almost certainly his real reason for the detour was to settle the dispute among the contending abbots, and to strengthen papal authority over Farfa and the Sabina. No confrontation with the militia of Count Rainald occurred, however, for fearing the ruin of his house and the anger of the emperor if he let his son stand in opposition to the imperial candidate, Count Rainald kept Adenulf in confinement.¹⁶ When

iniquitatem patris, et pater non portabit iniquitatem filii." Denique si illius parentes huic ingrati extiterunt ecclesiae, potens est deus secundum uelle suum per hunc uirum nobis utiliora commoda perficere quemadmodum legitur de moyse qui prius a populo israel spretus est, postmodum deo iubente saluauit populum eundem ab egyptiaca seruitute." Schuster believes that Gregory did not conceal the fact that he orchestrated this policy. *Abbazia di Farfa*, p. 268.

¹⁴ Ibid., 321: "Constituto uero die quo ipse guido de eodem domno adenulfo quod statuerat perficeret, Calixtum papam ad hoc monasterium in nativitate sancti iohannis uenire cum magno militum exercitu fecit . . ."

¹⁵ Archangelus de Alexandris, fol. 81r: "Crescentibus interim Abbatiae discordiis, Guido perversus necdum tanti Monasterij compatiens infortunijs et malis Calixtum Secundum adiit Summum Pontificem, ut destitutum pene Coenobium Farfensem adiret sibiue subjeceret, et comitatus exercitu ualido occuparet que illud a potestate Imperatorum liberum euaderet."

¹⁶ *Regesto* 5, p. 321: "... sed quod putauerat perficere nequiuuit, quia comes R. eundem filium suum, idest domnum adenulfum abbatem, in captionem misit, et ne id expleretur prudentissime egit, uidelicet ne in ruinam domus suae iramque imperatoriam incurreret, eiusque quam olim fidelitatem fecerat offenderet." Archangelus de Alexandris, fol. 81r: "... ne filius suus Adenulfus contra Imperatoris intentionem, Abbatie regiones assumeret . . . proprium filium Adenulfum sub singulari custodia per aliquod temporis spatium detinuit."

Calixtus arrived and saw that the brothers had decamped, he sang a mass, and then returned to Rome. A deeply embittered Guido took over the vacant monastery.¹⁷

Guido fortified himself in the abbey, and became patron of its remaining wealth.¹⁸ He pawned its most precious possessions, such as a large gilded cross that he relinquished for twelve pounds. Gregory describes these treasures in great detail, and charges that Guido simply absconded with the money. He states that Guido used this wealth to recruit a great army to combat the monks who had gone into exile, and to dissipate the insurgency that Berard IV had raised against him.¹⁹ Berard, in turn, followed Guido's example, pawning ecclesiastical treasures to levy his own army of footsoldiers and knights to defeat his implacable opponent. As well as producing slaughter on a huge scale, the battles caused great destruction to homes and to the countryside.

When a breakthrough came, it came not from the use of armed force, but from the *modus vivendi* worked out between Henry and Calixtus. In 1122 the two long-time antagonists signed the Concordat of Worms. Calixtus agreed that investiture would precede consecration in Germany, and that the emperor could make vassals of his powerful German prelates. In return the emperor agreed to use different symbols in investitures, and that consecration would precede investiture in Italy and in the Kingdom of Burgundy. The agreement allowed the papacy *de facto* *carte blanche* in Italy, and in Calixtus' native Kingdom of Burgundy.

Since Farfa fell on the papal side of this compromise, it became a sacrificial lamb, virtually abandoned by the emperor. Calixtus was free to excommunicate Berard in the Lateran Council of 1123 with-

¹⁷ Ibid.: "Cum uero huc papa uenisset, et omnem congregationem cerneret discessisse, mox rediit post sacrae decantationem missae. Quo recedente, hoc monasterium retinuit amarissimus guido." Archangelus de Alexandris, fol. 81r: "Calixtus uero Pontifex Guidonis hortatus consilio, ad Farfensi Coenobium perrexit; ibique . . . celebratis Diuinis mysteriis cum uacuum reperisset Monasterium, infecto opere Romanam reuersus est."

¹⁸ Ibid.: "Qui ornamenta ecclesiae uel quaeque utensilia coepit dispergere absque ulla uerecundia, et diuersis uiris in pignus tribuere."

¹⁹ Ibid.: "Dispersis itaque ecclesiae ornamentis, omnibusque ecclesiasticis supplectilibus distributis, praedictus guido aduenarum equitum peditumque collegit non modicum exercitum, ut populum abbatiae, qui ab eo recesserat expugnaret, et berardum ascarelleum contra se insurgentem dissiparet. At contra idem berardus non minorem peditum equitumque multitudinem congregauit, ut superare posset partem guidonis."

out fear of reprisal. Berard's excommunication was a signal to the monks that they must return to Farfa and brave Guido's ire, lest they suffer the same fate.²⁰ The monks admonished the people of the abbey who had left with them to return, but their compatriots in exile did not respond.²¹ Any foreboding the monks might have harbored was realized, for Guido exacted vicious revenge.

Their participation in the daily rituals in the church of Santa Maria became a form of humiliation. Instead of performing the liturgy in their customary, beautifully decorated white garments, they were forced to appear daily in black garments with jagged hoods, and to sing or recite psalms looking ravaged and undignified. Gregory laments that influenced by actors rather than moved by a deeply felt sense of spirituality, youths and the younger brothers introduced popular and silly songs from the outside. Rather than observing the customs of Farfa, they innovated frivolities and self-extolling practices that they saw and heard in places they had visited outside of Farfa.²² Gregory states that the more mature brothers were saddened by these changes, but were powerless to stop them.

Gregory concedes that at first Guido had been happy to see them, but that his old suspicions soon returned. Fearing their reaction to all of his evil deeds, Guido began to vacillate.²³ He told the brothers that because of their past sins, it was right that they should suffer. They, in turn, found his attitude disturbing, since he did not recognize his own sins. Looking back to a particularly bleak time in the

²⁰ Ibid., 322: "Cum uero calixtus papa cum imperatore concordiam haberet, et praelibatum berardum in generali sinodo excommunicaret, compulsi sumus ad hoc monasterium redire ne damnamur excommunicatione."

²¹ Ibid.: "Et cum reuerteremur, populum abbatae qui nobiscum recesserat admonere studuimus, ut ad hanc ecclesiam et ad nos reuerterentur, nosque sicut in discessione fecerant etiam sequerentur in reuersione, sed neuter illorum audire uoluit monitionem." Not wanting to return into obedience under Guido, the knights and the bourgeoisie perpetuated the schism for thirty more years. Schuster, *Abbazia di Farfa*, p. 271.

²² Ibid.: "... tunc in nigris et laciniosis cucullis et indumentis cottidianis in choro et ante altare uel in sublimi ambone compellebamur agere, et tamquam expoliati ac deprædati uidebamur canere uel psallere. Adolescentes quoque uel minores fratres, cantuum neumas et organa solita respuebant, et non spirituali honestate aut grauitate, sed istrinum more canere studebant, et multas nenias extraneasque cantilenas introducere satagebant, nec huius loci consuetudinem sed diuersarum partium leuitates et extollentias quas in exteris locis quibus degebant audierant uel uiderant, exercere curabant."

²³ Ibid.: "Praedictus autem guido reuersos nos recepit laetanter, non tamen diu nobiscum in beniuola permansit uoluntate, quia suspicio de nobis in illo crescebat, et pro malis quae cunctis ante fecerat amplius titubabat."

tenth century when Campo was abbot, they bewailed that present times were even worse.²⁴ But Guido was unmoved by their suffering, and made no attempt to enforce the *Rule*. Moreover, instead of following the practice of previous abbots of dispensing returns from their labor to the brothers, he gave most of the revenues from portage taxes and levies on such things as windmills to the knights and his own followers.²⁵

Gregory waxes emotionally in describing the sufferings of the monks and the wickedness of Guido over the six years of his reign.²⁶ With the emperor out of the picture, the monks finally sought recourse in their only option; they turned to Calixtus. They sent a delegation of twenty brothers to Rome, probably under the leadership of Gregory, but at least with his presence. Although the delegates prostrated themselves at the feet of the pope, pleading with him to intervene, he ignored their pleas. Deeply humiliated, they returned to Farfa.²⁷

Remembering that it had been Guido who sought him out while the monks were still wedded to the emperor, Calixtus retained his confidence in the abbot. Guido in turn nurtured his good relationship with Calixtus by frequently visiting Rome, or by sending legates in his stead. He implored Calixtus to do as he had promised, and to restore the abbey under obedience to himself, but the pope lent a deaf ear to his pleas. As long as Calixtus lived, Gregory testifies, he never exercised any good will toward Farfa.²⁸

This tragic series of events demonstrates that Calixtus was not chiefly preoccupied with religious reform at Farfa. He could have intervened

²⁴ Ibid.: "Heu, heu, peior est nobis his temporibus nefandissimus guido, quam illis diebus fuisse legitur campigenans campo."

²⁵ Ibid.: "Manualia quoque nostra et terrarum uicendas ac molendinos, et portuum redditus, mercatique teloneum, et angariales homines, et omnia nobis pertinentia, uel quae praedecessores illius abbates conuentui nostro sacramento firmauerant, uel libentissime concesserant, minuauit et abstulit, et per equites suosque fautores dispertiit."

²⁶ Ibid., 323: "Cuius malitias durissimas et diuastationes nequissimas pertulimus per vj annorum spatia."

²⁷ Ibid.: "Tunc demum magnis afflicti doloribus uariisque contriti cruciatibus, romae ad papam calixtum nos fere XX e fratribus perreximus, eumque, prostrati pedibus illius, supplicauimus, ut nobis in nostris miseriis subueniret, et aliquid commodi impertiret. Sed cum nil boni ab eo possemus obtinere, nec apud ipsum aliquam habere consolationem, ad monasterium reuersi sumus maximo cum rubore."

²⁸ Ibid.: "Ipse quoque guido ad eundem papam sepiissime pergebat, frequenter etiam per suos legatos eum omnino supplicans obsecrabat ut sicut sibi promiserat et uice eius eosdem legatos inuestiuerat, omnem abbatiam re congregans restaurare sibique subdi iuberet. Sed in nullo misertus, bonitatem aliquam donec uixit contra hoc monasterium exercuit."

to affect a transition to a more benevolent administration, and he could have taken steps to raise the level of the debased religious life. According to Gregory of Catino, he did neither. By supporting Guido, Calixtus had the opportunity of establishing a tangible papal authority in the Sabina, and this objective took precedence. In turn, Guido's fidelity to the pope appeared to be based less upon religious convictions than upon self interest, for he had turned to Calixtus only after being rejected by the emperor. In making this radical move he gained a personal protector at the expense of Farfa.

A New Regime in Rome

Even though many of the monks still had not reconciled themselves to subjection to the pope, by 1125 they had exhausted their last recourse, and were desperate. Looking to St. Mary and to God for support, they requested that Berard IV return the goods he had taken. When, as they must have anticipated, he treated their request with contempt, they called a council, and elected Adenulf as their abbot.²⁹ The situation had changed from the previous occasion on which the monks had turned to Adenulf, for now the emperor had distanced himself from Farfa, and Adenulf's father, Count Rainald, need have no fear of betraying his loyalty. The obstacle was no longer the imperial candidate, Berard IV, but Guido.

In this respect also the monks were in luck, for Calixtus had died (December, 1124), and his successor, Honorius II, was far more sympathetic to their pleas. Calixtus may have felt that he had to protect the first abbot to turn to the papacy, but since all sides now realized that there was no alternative to papal subjection, Guido no longer assumed any special significance. Gregory reports that Guido feigned a vision in which he purportedly saw that for three and one half

²⁹ Ibid.: "... tandem consilium habuimus ut a praedicto berardo ascarello res nostro regimini pertinentes requiremus, sed si quoquo modo penurias et miserias euadere possemus, et cum nil boni aut nobis utile ab eo impetrare ualeremus, rebus quoque ecclesiasticis et ornamentis uel utensilibus nobis necessariis quas nobiscum detuleramus quando de monasterio discessimus, omnibus contemptis, nichil ab eo aliquid omnino recipere neque mercedis neque caritatis gratia quiuimus, cum plurimas illi lacrimosas effundere preces studeremus, tandem uero in diuina confidentes clementia et de dominae nostrae MARIAE praesumentes custodia, extensis manibus ad domnum adenulfum domini saluatoris reuerentissimum eguminum eligendum et praeponendum nobis unanimiter conuenimus."

years things would go badly, but that thereafter he would enjoy a long and peaceful administration. Obviously, the vision did not have the desired effect. Gregory reports that after reflecting upon the scene of disaster that his administration had wreaked, he decided to abdicate.³⁰ More probably, Honorius put pressure on the unpopular abbot to force him out, and then worked out a procedure for selecting a new abbot that would forestall the chaos precipitated by the previous election.

Whether the impetus came from Guido or from Honorius, Guido sent legates to Honorius seeking his consent to abdicate.³¹ Honorius assented to his request, and then sent two "honestissimos cardinales" to Farfa—Conrad (cardinal priest of S. Pudenziana) and Jonathan (cardinal deacon of Ss. Cosma e Damiano).³² In the presence of these eminent cardinals Guido relinquished his rule of the abbey, and returned the pastoral staff. He also released the knights and the people of the abbey from the oath of fidelity that they had sworn.³³

The brothers then asked the two papal legates if they would allow Adenulf, at that time abbot of San Salvator in Scandriglia, to become their abbot. Gregory implies that the request was only a formality, since the decision had already been made.³⁴ He reports that

³⁰ Ibid., 323–324: "Nam praedictus guido, cum se perspiceret per vj annorum spatia in pace quietis non potuisse ducere abbatiam, distractis omnibus ecclesiasticis ornamentis [etc.; lacuna of 3–4 words] cerneretque omnem populum ab empticibus equitibus depraedari et captivari, et in nullo se posse sibi subditos adiuuare nec liberare, non habens iam ubi manum inicere ualeret, qui se uisiones uidisse dudum fingeat quibus annis tribus et medio aduersari, et tunc annos xlvij in abbatia uiuere, et pacem quietemque honoris suis infinitam prae cunctis antecessoribus adempturum sperabat . . ."

³¹ Ibid., 324: "... tandem per omnia uictus et sine alicuius consilio relictus, ad papam honorium suos transmisit legatos, petens licentiam refutandi abbatiam."

³² Ibid.: "Nos uero qui antea sicut praedecessores nostri, papati curiam fugeramus, et ab ea assumi personam nobis in abbatem nolebamus, multis cumulati cum iam essemus inopiis, et cementes non posse aliter de plurimis incommodis eripi, suscepimus eosdem cardinales, scilicet: Conradum et Ionathan."

³³ Ibid.: "In quorum praesentia praedictus guido omni conuentui nostro abbatiam refutauit et uirgam reddidit, omnesque nostros equites et populum abbatiae de fidelitate uel sacramento sibi edito absoluit, sicque ad proprium reuersus locum resedit. . . ." After "praesentia" the words are indistinct on the last folio of the ms. Hüls, *Kardinäle*, pp. 225–226 for Jonathan; p. 210 for Conrad, who in 1128 became cardinal bishop of the Sabina. Barbara Zenker, *Die Mitglieder des Kardinalkollegiums von 1130 bis 1159* (Würzburg, 1964), pp. 54–55, 46–48.

³⁴ Schuster argues that the monks had to seek the pope's approval since Adenulf was a prelate of a church outside of Farfa's competency, and his nomination required special dispensation. "... solo, perchè l'eventuale nomina di Adinolfo sarebbe state irregolare, siccome di persona già disposta ad altra Chiesa e quindi fuori delle

just as Honorius had ordered, Conrad and Jonathan agreed to their petition, and then departed.³⁵ After their departure the monks elected Adenulf as abbot in accordance with their ancient customs. There was great rejoicing as peace returned to Farfa and the Sabina.³⁶ Not only the monks, but also the people of the Sabina and the March again became obedient to the abbot.

The aristocrats, however, refused to return the lands they had confiscated during the civil war. To stave off starvation Adenulf appealed to public charity, and oblations began to come in during the first months of his administration. Adenulf also reorganized the administration, and published a constitution in the manner of Hugh I. He assessed a fee to around sixty churches, establishing a conventual patrimony that lasted until the second half of the nineteenth century.³⁷

It may have seemed as though Farfa had regained the pinnacle of its fortunes reached under Berald III, but such was not the case. The changes since 1119 were profound and lasting. The wealth of the abbey had been dissipated, and the land ravaged. The people had demonstrated their clout, and their wishes would always have to be taken into consideration. Although the monks believed that they had restored their ancient liberties, the evidence is overwhelming that the pope exercised far more authority over Farfa than the emperor ever had. Instead of the occasional collection of fodrum to support imperial expeditions, the pope now assessed a yearly impost, and wielded a free hand in the Sabina.

Although in the case of Guido the papacy had allied itself with the abbot favored by the people, it seems to have been an alliance of convenience rather than conviction. Unfortunately, only Gregory of Catino's perspective has survived, and it reflects the attitudes of the aristocrats. His descriptions of the cruelty and misery of the monks sound very similar to the upheavals of most revolutions, and quite

competenze del capitolo Farfense, i messi papali dichiararono precedentemente da parte del pontifice, che egli ben volentieri prestava il consenso a quella nomina straordinaria." *Abbazia di Farfa*, p. 272.

³⁵ *Regesto* 5, p. 324: "Nos eosdem cardinales rogauimus ut uice papae praefatum domnum adenulfum nobis concederent. Et ipsi placite suis cum manibus acquieuerunt, decentissime, sicut papa iusserat, nobis tradiderunt, et a nostro conuentu discesserunt."

³⁶ *Ibid.*: "Quibus recedentibus omnes in capitulum perreximus, ipsum domnum adenulfum abbatem illuc accersitum ad laudem domini nostri ihesu christi eiusque integerrimae genitricis, in nostram ac totius populi salutem abbatiae, et autenticam huius ecclesiae libertatem et restorationem, concorditer et iuxta anitiquam consuetudinem elegimus."

³⁷ Schuster, *Abbazia di Farfa*, p. 273.

probably he failed to see the validity of the people's complaints. Even some of the changes in the rites that he saw as theatrical and popular may have been more in keeping with the developing culture, and represented democratizing changes.

If Guido had felt less insecure, he might have been more benevolent, and have instituted changes that would have been palatable to all of Farfa's subjects. But intermeshing the social revolution with the politics between *regnum* and *sacerdotium* left Farfa scarred and weak. At the time the best solution seemed to be the imposition of a strong abbot with family backing. In this sense Adenulf was the counterpart of Berald III, with the critical difference that he had the imprimatur of the papacy rather than that of the empire.

1130: *The Papal Schism*

After a five-year hiatus the abbey again underwent an upheaval when the dual elections of Innocent II and Anaclet II in February 1130 precipitated a papal schism. This time Farfa was not a pawn in the struggle between much more powerful forces, but an active participant.³⁸ For reasons that can now only be surmised Adenulf recognized Innocent II. Possibly the involvement of Anaclet's father in the arbitration of the dispute between Farfa and the Ottaviani in 1104 had soured Farfa on his family.³⁹ The Pierleoni's close connections with Gregory VII and Paschal II could also have been exacerbating factors. The most important factor may have been that Anaclet occupied the papal see, and had the support of most of Rome and Latium. He, rather than Innocent, oversaw papal relations in the Sabina and the areas in and around Rome where Farfa held property.

On May 15, 1130, only three months after his disputed election, Anaclet composed a letter to an unidentified bishop, who probably occupied a see such as Sutri near Farfa. He complained that after the death of Honorius II the abbot of Farfa had broken his oath, and had invaded the *regalia* of St. Peter.⁴⁰ He requested that the bishop

³⁸ Stroll, *The Jewish Pope*, pp. 132–134 for Farfa.

³⁹ Pier Fausto Palumbo, *Lo Scisma del MCXXX* (Rome, 1942), pp. 169, 431–432.

⁴⁰ JL 8390, May 15, 1130; "Palumbo, *Lo Scisma del MCXXX*, Atti di Anacleto II," XXII, pp. 657–658; PL 179:709: "Hoc idem et de abbate Farfensi noveritis factum, qui post mortem beatae memoriae papae Honorii, contempto juramento quod Romanae Ecclesiae fecerat, beati Petri regalia impudenti temeritate invasit, et nunc

assiduously pursue this offshoot of the antichrist, and that he use axes to cut off the horns that the bloody beast had used to shake the church.⁴¹

Circumstances suggest that Anaclet's accusations were well-founded. Adenulf not only opposed Anaclet, but also he may have taken advantage of the instability created by the schism to retrieve land that had slipped from Farfa's jurisdiction. Possibly on March 27, 1130, Anaclet already anticipated trouble when he confirmed all of the goods and privileges of San Paolo fuori le mura, emphasizing the fortified territory across the Tiber from Farfa.⁴² But no matter whether Anaclet or Farfa was the aggrieved party, Anaclet's supporters retaliated by invading and sacking Farfa's lands. It may have been in response to these conflicts that Gregory of Catino compiled the *Liber Floriger* as a quick tool for verifying Farfa's property.

Unable to remain in Farfa, Adenulf joined Innocent II in exile. Two years later the grateful pope appointed him cardinal deacon of Santa Maria in Cosmedin.⁴³ Until Innocent established his administration in Rome after Anaclet's death in January 1138, the post was largely honorary. But it was especially prestigious, since Gelasius II had been cardinal of this deaconry in the *schola Graeca*, and Calixtus II had refurbished the basilica with what can be interpreted to be imperial imagery. In France Adenulf gained great respect, and began to act on the international scene. Lothar III added to Farfa's renown by stopping for visits in 1133 and 1137.⁴⁴

Dei Ecclesiam persequi, et in quibus potest iuvatus furia infestare non cessat." Stroll, *The Jewish Pope*, p. 133 & n. 46.

⁴¹ PL 179:709: "Retrusus tamen, et Ecclesiae funda percussus, et excommunicationis sententia condemnatus, iniquitatis suae complices jam habere non potest. Mandamus itaque fraternitati vestrae, et in Domino commonemus ut in beati Petri fidelitate et nostra constantissime persistentes, praedictum Farfensem abbatem Antichristi plantam, ut cruentam bestiam omnimodis insequi sollicitius procuretis, et cornua quibus Romanam Ecclesiam ventilat, in bipennii et ascia succidatis."

⁴² B. Trifone, "Le Carte del monasterio di S. Paolo," *Archivio della R. Società Romana di Storia della Patria* 31 (1908), 287-288; A sixteenth century hand writes in the margin: "Transumptum privilegii Anacleti II in quo enumerantur omnia bona mon. S. Pauli et precipue fit mentio castrorum Civitellae et Leprignani." Palumbo, *Lo Scisma del MCXXX*, Atti di Anacleto II, p. 651; P. L. Galletti, *Capena* (Rome, 1756), p. 41.

⁴³ Zenker, *Die Mitglieder*, pp. 160-161; Klaus Ganzer, *Die Entwicklung des Auswärtigen Kardinalats im Hohen Mittelalter: Ein Beitrag zur Geschichte des Kardinalkollegiums vom 11. bis 13. Jahrhundert* (Munich, 1965), pp. 81-83; Schuster, *Abbazia di Farfa*, pp. 160-161.

⁴⁴ Marginalia from Vat. Lat. 6808, fols. 125b-125a; *Chron.* 2, p. 320: "Anno .MCXXXIII. imperator Lotharius Romam veniens Lateranis coronatur est. iterum anno .MCXXXVII. rediit, in Apuliam pergens. victoriam ibi Deo donante, percepit. in quo anno Adenulfus abbas Farfensem abbatiam recepit." *Lib. Pont.* 2, p. 382:

During his travels in France, Adenulf had become an intimate friend of Bernard of Clairvaux.⁴⁵ When Bernard returned to Clairvaux after a sojourn in Rome at the end of the schism, he promised to send a contingent of Cistercian monks to Farfa to console Adenulf. Keeping his promise, Bernard dispatched a group of brothers under the tutelage of his protege, Bernard of Pisa, the future Eugenius III. In a letter written to Bernard of Clairvaux in 1140, Bernard of Pisa praises Adenulf for his warm reception of the little band of Cistercians, whom Adenulf housed in his old monastery at Scandriglia.⁴⁶

Innocent had supported Adenulf's request for the Cistercians, and had promised seas and mountains to institute reforms.⁴⁷ His actions did not match his rhetoric, however, and in the same letter that he wrote to Bernard of Clairvaux praising Adenulf, Bernard of Pisa bitterly accused him of breaking his word.⁴⁸ In another impassioned letter that Bernard of Pisa wrote to Innocent himself in 1140 he described the harsh conditions at Scandriglia, and complained that the pope had not fulfilled his promises.⁴⁹

[1133] "Ibique pariter colloquentes processerunt [Lothar and Innocent] insimul per Ortam et Sabinense et Farfense territorium . . ." Watterich *Pontificum Romanorum Vitae* 2, p. 243; Analista Saxo, Oct. 1137: "Unde pertranseunt Tibertinam petierunt [Lothar & Innocent] Farvam, cuius ecclesie abbati castella multa cum prediis violentia Petri Leoni et aliorum ablata restituit, sed et oppidum quoddam magnum et opulentum, cuius habitatoribus subdi cum contumelia contradicentibus exercitus captum cum castello oppidum igni tradidit in quo et multitudo non parva hominum precipia et varia calamitate periit." Schuster, *Abbazia di Farfa*, p. 279.

⁴⁵ *Sancti Bernardi Opera* 8, *Epistolae* (Rome, 1977), #522, n.d., p. 485: "Carissimo patri et domino Adenulfo, Dei gratia Farfensis abbati, frater Bernardus, Claravallensis dictus abbas, post praesentem laborem aeternam in Domino requiem. Si paternitatem vestram multis et magnis pro Deo solo tribulationibus afflictam propriis adinventionibus et verborum foliis niterer sublevare, praesumpti[o . . .] episcopos, sed ab omnibus imputari. Verum, quia praesumptoris non est mihi animus vel facultas, [. . .]s diligentes caritas, non de proprio, sed de Apostoli sensu [. . . lo] quar;" P. F. Kehr, "Urkunden zur Geschichte von Farfa," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 9 (1906), 170-184 at p. 184.

⁴⁶ Bernard of Pisa wrote to Bernard, describing their warm reception. *S. Bernardi Epistolae* #344, PL 182:548-549: "Dominus Fars [Farfensis] ad introitum nostrum gavisus est gaudio magno et in toto corde suo pueros vestros recepit, ita ut, si fieri posset, oculos suos eruisset, et dedisset nobis. In hoc solum reprehensibilis est, et corrigendus est a vobis, quod omnia faciat vehementer, et ultra pro missionem suam et nostram voluntatem."

⁴⁷ Schuster, *Abbazia di Farfa*, p. 280.

⁴⁸ *S. Bernardi Epistolae* #344, PL 182:548-549: "Caeterum, domine, ut de loco loquar ad quem me missistis, sic cucurri quasi in incertum, sic pugnavi, quasi aerem verberans. Nam dominus papa, cuius litteris evocati sumus, promissionem quam de ejusdem loci confirmatione fecerat, opere non complevit, sicut et praesens tempus probat."

⁴⁹ #343, PL 182:547-548; To Innocent he said: "loquar autem in amaritudine

Speaking from the bitterness of his soul, he protested that we have done what you ordered. We have come to the monastery of the Holy Savior. Where now is my expectation, and the fulfillment of your promise? We have traversed through fire and water, and had God not been with us, we would probably have drowned. We suffered dangers from robbers and rivers, in cities and in isolated places. We are exhausted from dangers on the land and on the sea, and no one would help.

All of these things happened to us, but I am not yet finished. We have extracted your letter from the bosom of our father, and we have hastened to fulfill your orders. . . . Without certainty, we have fought as though beating the air. We believed your promise, but now winter has already come and gone. And so, if it pleases you, my lord, may we leave, and see where we can find rest for our feet, for up until this time hail, snow, ice and hurricanes have impeded us? It seems incredibly cruel, and utterly inhumane to defraud Adenulf from his desire, for he loves us beyond all measure, and has adopted us as a father. Indeed, if it were possible, he would pluck out his eyes and give them to us.

Innocent responded to these charges and complaints by transferring the Cistercians to the monastery of Tre Fontane at Acqua Salvia southeast of Rome.⁵⁰ At that time the area was swampy and dreadful, and many of the monks contracted malaria. Seeing their suffering and discontent, Farfa tried again to make it possible for them to

animae meae. Conquerimur, domine, de te, se apud te . . . Factum ut imperasti: venimus ad monasterium Sancti-Savatoris sicut mandaveras in litteris tuis servo tuo, patri nostro. Ubi est ergo nunc expectatio mea, et tua promissio? Transivimus per ignem et aquam: et, nisi quia Dominus erat in nobis, forsitan aqua absorbisset nos. Periculis latronum et fluminum, periculis in civitatibus et solitudine, periculis in terra et in mari fatigati sumus, et non fuit qui adjuvaret. Haec omnia venerunt super nos: sed nondum statim finis. Litteris tuis, domine, extracti sumus de sinu patris nostri, et ad unius jussionis vocem, relictis fratribus et patre, in odore praeceptorum tuorum cucurrimus. . . . Sic cucurrimus, quasi in incertum. Sic pugnativimus, quasi aerem verberantes: sed tua, domine, promissio fuit in causa, quam credidimus gratia plenam et veritate. Nunc autem (jam enim hiems abiit et recessit) si ita placet domino meo, egrediamur et videndum, ubi inveniamus requiem pedibus nostris: quoniam usque adhuc prohibuit nos grando, nix, glacies, et spiritus procellarum. Crudelissimum quippe videtur, et ab omni humanitatis officio longe remotum, illum [Adenulf] fraudare a desiderio suo, qui nos prius coepit amare quam nosse, qui nos patris affectu in filios adoptavit, adeo ut, si fieri potuisset, oculos suos eruisset, et dedisset nobis . . . ”

⁵⁰ Ernaldus, *S. Bernardi Vita prima*, lib. III, PL 185:317: “Abbas Farfensis conventum fratrum a Claravalle vocaverat, monasterium eis aedificaturus: sed Romanus impedit Antistes, et sibi tollens eos in loco altero ordinavit.”

return, but the funds for restoring the buildings at Scandriglia were stolen.⁵¹

In 1142 Adenulf reanimated Berard II's project of constructing an edifice on the top of Mount Acuziano to replace the present monastery.⁵² The building, a mixture of religious and military architecture, was never completed, but the ruins of "the golden dream" can still be seen on top of Mount Acuziano.⁵³ At the end of his life Adenulf took advantage of a mission as legate *a latere* to Conrad III to stop at Clairvaux to see his old friend, Bernard. Accompanied by a monk from Farfa named Gerard, he wished to discuss the possibility of founding a Cistercian monastery in the territory of Farfa. To assure a positive outcome to his mission, he wanted to involve Conrad.

Upon leaving Clairvaux, Adenulf requested that Bernard write a letter of recommendation to an anonymous German prince, whom he would presumably meet on the way to see Conrad. In his undated letter Bernard praises Adenulf as a man of probity, and commends him as cardinal of the apostolic see, who is noble both in birth and in morals. He requests that the prince receive him honorably in a spirit of amity. Emphasizing Adenulf's eminence, Bernard states that he has been sent to the court of the king as a legate *a latere* with secret information concerning common business of the kingdom and of the church. Again, he asks the prince to receive this honest man of good will, honored both by the pope and the emperor.⁵⁴ In 1144 Adenulf reached Mainz, where he carried out his mission with Conrad, but then died.⁵⁵ Dropping the project to establish a Cistercian monastery on Farfa's lands, Gerard returned to Clairvaux, and took the Cistercian habit.

Adenulf's relationship with Bernard of Clairvaux and the Cistercians has broad implications. It shows that Adenulf and Farfa were not only open to new, more strict interpretations of the Benedictine *Rule*,

⁵¹ Schuster, *Abbazia di Farfa*, p. 282.

⁵² Vat. Lat. 6808; *Chron.* 2, p. 321: "Monasterium novum inchoatur in monte."

⁵³ Schuster, *Abbazia di Farfa*, pp. 277–278.

⁵⁴ *Sancti Bernardi Opera* 8 #448, n.d., p. 425, Ad Anonymum: "Virum nobilem et genere et moribus, abbatem Farfensem Apostolicae Sedis cardinalem, vobis commendamus, ut eum honorifice et amicabiliter suscipiatis. Descendit a latere domini Papae ad curiam regis, ab ipso vocatus, habens ad ipsum verba secreta de communi negotio regni et Ecclesiae. Suscipite honeste hominem, et hominem bonae voluntatis, et in eo excellentiores principes mundi, eum videlicet a quo venit, et eum ad quem venit, Papam loquor et Imperatorem, pariter honorate."

⁵⁵ Vat. Lat. 6808, fol. 127a; *Chron.* 2, p. 321: "Anno .M̄CXLIII. Adenulfus abbas obiit."

but also that they welcomed them. Farfa did not relinquish its own traditions patterned after the customs of Cluny, but it did not reject the more ascetic practices of the Cistercians. On the negative side, Adenulf's attempt to establish a cell of Cistercians at Scandriglia reveals a cleft in his relationship with Innocent. Innocent paid scant heed to Adenulf's cherished wish that he respond to the needs of the hard-pressed little band of monks.

It is puzzling that Innocent failed to honor his promises, for Adenulf was a loyal ally, and Bernard had been a critical force in rallying Western Christendom to Innocent's side during the schism. Many scholars have seen Bernard's campaign for the recognition of Innocent as evidence that Innocent was imbued with the spirituality emanating from the Cistercians, and that he wanted to orient the papacy in that direction. Once established on his see in Rome, however, his neglect of the Cistercians both at Farfa and at Acqua Salvia is evidence that the promotion of Bernardine spirituality was not his top priority. For this and other reasons it seems improbable that Innocent's embrace of the ideology of the French reformers as opposed to Anaclet's identification with a more lax form of Benedictinism was a basic cause for the papal schism. It is a false dichotomy.

Even though Innocent did not make Farfa a top priority, after his death and two short intervening reigns, a pope was chosen who did have a special affinity for Farfa. By a stroke of good luck, the Cistercian monk who had struggled so valiantly to establish a cell at Scandriglia, was elected pope. With the election of Bernard of Pisa as Eugenius III in 1145, the phoenix would rise yet again.

CHAPTER EIGHTEEN

FREDERICK BARBAROSSA AND THE TWILIGHT OF FARFA

Although Farfa again became the focus of both imperial and papal ambitions, and emperors and popes honored it with their presence, the phoenix became an Icarus. It seemed to soar into the heavens, but its wings soon melted, and it descended limply into dependency upon the papacy. Even its possessions operated independently. But before its fall from its lofty height, Farfa again had its place in the sun.

Farfa's Light Flickers, and then Fades

On February 18, 1145, Bernard of Pisa chose the former imperial abbey, where he had struggled so valiantly to plant a Cistercian cell, for his consecration as Eugenius III. Farfa became one of his chief sources of refuge when conflicts with the newly revitalized Roman Senate made his residency in Rome precarious. These confrontations began on the day of his election, when an uprising of the commune forced him to flee the city. Still fearing the fury of the people, he escaped to the castle of Monticelli. From there he sent messages to the scattered cardinals, commanding them to meet him at Farfa the following Sunday for his consecration.¹

Besides favoring Farfa with this exalted honor, Eugenius also sided with the abbey in its age-old jurisdictional disputes with the local bishops. For example, he ordered Bishop Signulf of Valva to come to Rome to respond to the complaints of the monks involving a church

¹ *Lib. Pont.* 2, p. 386: "Qui cum proxima die dominica consecrationis munus apud beatum Petrum sicut consuetudinis ordo poscebat et dispositum fuerat deberet suscipere, precognito senatorum perverso consilio, quod eius electionem violenter retratare disposuerant nisi eorum voluntati faveret et usurpatum senatum eis auctoritate apostolica confirmaret, in silentio noctis Urbem cum paucis fratribus exiit et ad arcem Monticelli se in tuto recepit. Congregatis vero alia die ibidem cunctis fratribus qui dispersi fuerant propter metum furientis populi, processit ad Farfense monasterium cum domestica familia, et consecrationis gratiam in sequenti dominica et plenitudinem sui apostolatus secundum morem Ecclesie Domino auctore suscepit." Schuster, *Abbazia di Farfa*, pp. 285-286.

belonging to Farfa that lay in the diocese of Valva.² Eugenius emphasized that those things that pertained to the right and defense of St. Peter and the Holy Roman church ought not to be violated. He reiterated Farfa's ancient exemption from episcopal jurisdiction, and stated that it could choose whatever bishop it preferred to consecrate its churches and clerics. Mincing no words, he ordered Signulf to return all of the holy relics that he had taken from the altar of Farfa's church, and he admonished him never to touch its property in the future.³

While defending Farfa's privileges, Eugenius also stated unequivocally that Farfa pertained to the right and defense of St. Peter and the holy Roman church. Farfa's passage from imperial to papal patronage could not have been articulated more clearly. How distant were the assurances of Nicholas II that the imperial monastery would forever be immune from papal jurisdiction. But the assertions of Eugenius to the contrary, Farfa's status was not quite settled, for soon one more emperor would ignore papal pretensions, and treat Farfa as emperors had always treated it before the Concordat of Worms.

Continuing in the tradition of Eugenius III, Anastasius IV (1153–1154) was well disposed toward Farfa, but trouble already loomed on the horizon.⁴ During the reign of Adrian IV (1154–1159), Frederick I

² Paul Friedolin Kehr, "Urkunden zur Geschichte von Farfa im XII. Jahrhundert," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 9 (1906), 170–184 at pp. 177–178. Documents from Farfa Codex 124, Eton College. Kehr notes that since only a few imperial privileges, and not one papal privilege for Farfa exist in the original, the collection from Eton is all the more important. Schuster believes that since no abbot is mentioned, the privilege was issued early in the reign of Eugenius when the sources are silent about any abbot. *Abbazia di Farfa*, p. 287 & n. 4.

³ *Ibid.*, 177–178: (n.d., 1145–1153) "Si discretionem tuam et officii nationem recte consuleres, scire proculdubio potuisses, quod ea que ad ius et proprietatem beati Petri et sancte Romane ecclesie pertinere dinoscuntur, imminuere vel inquietare nullatenus debuisses. Quo contra fratrum Farfensis monasterii, quod ad ius et defensionem beati Petri et Sancte Romane pertinet ecclesie, querelam accepimus, quod in quadam ecclesia eorum quia ab alio consecrata fuerat episcopo, altare propriis manibus diruisti. Porro ut querimonia eorum veritate niti probaretur, privilegia predecessorum nostrorum protulerunt, in quibus eis concessum esse videtur: consecrationes ecclesiarum, ordinationes clericorum a quocunque maluerint catholico recipere episcopo. Quia igitur eis in sua iustitia deesse non possumus nec quod contra privilegia sedis apostolice fit dissimulare debemus, per apostolica tibi scripta precipiendo mandamus, quatinus proxima dominica qua cantatur 'invocavit me' super his responsurus nostro te conspectui representes; nichilominus etiam tibi precipiendo mandamus, quatinus sanctorum reliquas, quas a prefata ecclesia in ipso altari inventas asportasse diceris, sine dilatione restituas nec interim Farfensis monasterii bona vel possessiones minuere vel inquietare presumas." Schuster, *Abbazia di Farfa*, p. 287.

⁴ *Ibid.*, 178–180, for two documents of Anastasius; Schuster, *Abbazia di Farfa*, p. 289.

(1152–1190) attempted to reinstate imperial patronage. He was the first emperor since Henry V to try to reimpose imperial authority over all three kingdoms of the empire, and Farfa with its imperial tradition was an obvious point of contact. It may not have been mere serendipity that at the beginning of 1155 a certain R[usticus] came to him from Farfa with petitions to approve his candidacy as abbot. The name, “Rusticus,” suggests that he could have been a scion of the Ottaviani, who, significantly, were related to Frederick.

Presumably there were other candidates, who perhaps saw their chief support in the papacy. Frederick informed the laymen and monks of Farfa in the Sabina and in the March that by the ancient and modern rights of Farfa, and by royal power, he had invested Rusticus as abbot. He commanded them to swear an oath of fidelity to their new abbot.⁵ Addressing another issue, he said that he was informed that abbots Rainald, Roland and Berard had justly been deposed, and he declared alienations of property made after the reign Adenulf to be null. He was specific and inclusive, delineating what he meant by alienation as property placed in pawn, granted as a fief, lent out under terms of *emphyteusis*, or sold. Further, he stated that he was sending his chaplain, Heribert, with Rusticus to collect fodrum for his expedition to Rome.⁶

The collection of this imperial hospitality fee was tantamount to marking his territory, and perhaps to challenging the papal census. Fodrum was considered to be an onerous tax, and probably was especially resented since Otto III, Conrad II, and Henry IV had freed Farfa from this burden.⁷ It was as though Frederick recognized

⁵ Ibid., 180–181: “Fredericus Romanorum semper augustus. Omnibus hominibus tam monachis quam laicis atque baronibus seu militibus ad Pharfensem abbatiam pertinentibus per Sabinum sive per Marchiam et ubicunque constitutis gratiam suam et bonam voluntatem. Universitati vestre notum esse volumus, quod venientem ad nostre serenitatis presentiam venerabilem R. abbatem benigne suscepimus et eum in suis petitionibus clementer exaudientes, de abbazia Pharfensi et omni suo iure tam antiquo quam moderno manu et potestate regia investimus. . . .” [commands obedience to Rusticus]

⁶ Ibid.: “Nichilominus intelligentiam vestram scire volumus, quod quecunque possessiones de Pharfensi monasterio a tempore pie recordationis ADENULFI abbatis per Rainaldum, Rolandum atque Berardum, quos utique iuste esse depositos decernimus, alienate sint sive per locationem seu per pignoris obligationem aut per feodi donationem aut per emphyteosim sive per venditionem, omnes in ius monasterii et potestatem abbatis restitui plenarie precipimus et que inde acta sunt, in irritum deducimus. . . . Misimus quoque honorabilem et eruditum capellanum nostrum Heribertum cum predicto fideli nostro, ut ei tam in fodro nostro colligendo quam in dationibus pro expeditione suscipiendis consilium et auxilium prebeat. . . .”

⁷ *Regesto* 3, #431, Sept. 22, 999, p. 145; *Chron.* 2, p. 6; *Liber Floriger*, pp. 29–30;

no changes since the death of Berald III, and that he continued to exercise the same rights as emperors from the time of the Carolingians.

Regretably, only a few documents have survived, and we know little of what happened at Farfa after Adenulf's death in 1144, and why the three abbots were deposed. Roland's election in 1146 is the first to be noted, but there seems not to have been a vacancy in the interim.⁸ The Rainald whom Frederick mentions in his diploma seems to be the Rainald, who had been the first abbot elected after the death of Berald III. He had indicated that he wanted to be reinstated if Adenulf should die, and perhaps the monks agreed that he could resume his administration without an election.⁹

We recall that Rainald had been elected by the faction of traditionalists that included Gregory of Catino, but he appears to have accepted Farfa's new status, and to have followed in the footsteps of Adenulf. The resolution of the dispute with Valva that occurred during Roland's reign shows that he also accepted papal patronage. Roland is known to have yielded extensive property in *enfiteusi* to the monastery of St. Peter in Perugia for seventy pounds of soldi Lucchese and an annual payment of twelve denari.¹⁰ This property transferral may have been one of the transactions that elicited Frederick's declaration that alienations of property during the reigns of the three abbots were null.

According to Frederick's letter Roland was deposed, and he appears to have died in 1151 or 1152.¹¹ The *Tabuli Annales* in the *Chronicon Sacri ac Regalis Monasterii Farfensis* of Archangelus de Alexandris indicates that he died in 1152.¹² He was succeeded by Berard V,

for Henry IV *Regesto* 5, #1099, pp. 95-99 at p. 99: "Et si fodrum vel aliquid de eiusdem monasterii possessionibus fiscus noster sperare potuerit, totum pro aeternae remunerationis praemio ipsi monasterio concedimus in alimoniam pauperum, et stipendia monachorum ibidem deo militantium nostris futurisque temporibus proficiat in augmentis, quatinus memoratos seruos dei liberius pro nobis et stabilitate nostri imperii domini clauementiam exorare delectet." McClendon, *The Imperial Abbey of Farfa*, p. 14 & n. 98.

⁸ Vat. Lat. 6808, fol. 127a; *Chron.* 2, p. 321: Anno .MCXLIII. Adenulfus abbas obiit. .MCXLV. Eugenius III apud Farfense monasterium papa est consecratus. .MCXLVI. "Rolandus factus est abbas."

⁹ Note, however, that *Archangelus de Alexandris* does not mention Rainald; fol. 85v: "Defuncto Adenulfo in regiminis Abbatiae suffectus ei fuit Rolandus" McClendon (*The Imperial Abbey of Farfa*, p. 122) refers to them both as Rainaldus II.

¹⁰ Schuster, *Abbazia di Farfa*, p. 287 & n. 2. The charter, dated November 27, 1147, confirmed a state of affairs that had existed since the reign of Nicholas II.

¹¹ *Ibid.*, 288; McClendon lists his death as 1152. *The Imperial Abbey of Farfa*, p. 122.

¹² *Archangelus de Alexandris*, fol. 85v: "1152 Rolandus . . . obiit; successit Berardus 3."

who reigned until the second half of 1154, when he likewise was deposed.¹³ We do not know the reasons for the depositions, nor the circumstances of the election of Rusticus. One can at least speculate, however, that the deposition of the two preceding abbots implies that there was strife among the monks. Frederick's nullification of the alienation of property under Adenulf's successors suggests that the abbots were exchanging property for support. With Frederick's appearance on the scene, there was now an alternative to the pope, and Rusticus seems to have availed himself of it.

Frederick I and the Papacy

The papacy did not blithely accept Frederick's investiture of Rusticus and the challenge it posed to its authority. When Anastasius IV died in December, 1154, he was succeeded by Adrian IV, the feisty Englishman, Nicholas Breakspear, who previously had been the cardinal bishop of Albano. During the first years of his reign Adrian relied upon Frederick because of his problems with the Romans and the Normans in Southern Italy. Arnold of Brescia, the popular hero, was trying to goad the church into imposing reforms, and when some of his followers killed Cardinal Guido of Santa Pudenziana on his way to the Lateran, Adrian placed Rome under the interdict. The citizens responded in kind, and refused to dissolve the Senate.

With Frederick approaching Rome, and fearing for their respective liberties, the pope and the Senate reconciled in October, 1155. Arnold of Brescia was captured, but escaped. Recaptured by Frederick, who later seems to have rued this move, Arnold was executed. By the time of the Concordat of Benevento of June 18, 1156, the fragile alliance between Frederick and the papacy was crumbling. The Concordat recognized papal sovereignty over Sicily, but legalized the conquests of the Normans in the Patrimony. Both the Concordat and a later treaty in which Byzantium recognized the Norman title to Sicily and Southern Italy appeared to have been directed against the emperor.

But before the breakdown of the disintegrating alliance with Fred-

¹³ Archangelus de Alexandris, *Chronicon, Tabuli Annales*; 1154 "Berardus 3 objit; successit Rusticus" During his reign Anastasius IV issued two diplomas. See n. 4 above; Schuster, *Abbazia di Farfa*, p. 289.

erick, Adrian aggressively defended what had long since been recognized as papal rights over Farfa. On June 1, 1155, eighteen days before he crowned Frederick emperor in St. Peter's, Adrian wrote a letter to Archbishop Arnold of Cologne, Bishop Eberhard of Bamberg, and Abbot Wibald of Corvey in which he asserted that Farfa especially pertained to the apostolic see. He stated that for this reason he was exhorting Frederick to express his good will toward the abbot, R., and he urged the recipients of his letter to do the same.¹⁴ The "R" probably refers to Rusticus, even though Frederick had just defied the papacy by investing him with his office.¹⁵

The letter was dated from Sutri, where Adrian and Frederick met before the coronation. In this staging area just north of Rome, Frederick showed that he intended to be a ruler in the mold of Charlemagne rather than in the guise of the less assertive Lothar III and Conrad III. He bristled at what he interpreted to be a slight to imperial dignity when he was asked to perform the ceremony of the *strator* upon the pope's arrival. Eventually, after he had been convinced that the act was merely customary and not subservient, he agreed to take the reins of the pope's horse, and to help him dismount.

Even though the impasse was resolved, the tense incident demonstrated that Frederick intended to brook no impeachment of his rights. Coupled with his investiture of Rusticus, the confrontation may have elicited Adrian's letter to the three prelates. Adrian probably wanted to shore up his support in Germany for what was almost certainly going to be a contest for the formerly imperial monasteries in Italy. Wibald was a key figure, since he had briefly functioned as abbot of Montecassino with the support of Lothar III.

In spite of the increasing static in their relationship, Frederick and the pope still needed one another. The contrast between the melee following Henry V's aborted coronation in February 1111 and the aftermath of Frederick's coronation illustrates the difference between the hostility then, and the *modus vivendi* now. In both cases bloody conflicts broke out with the Romans, but while in 1111 the pope

¹⁴ Philippe Jaffé, *Monumenta Corbeinsia*, vol. 1 of *Bibliotheca rerum Germanicarum* (Berlin, 1864), #440, pp. 573-574: "Quia Farfense monasterium ad ordinationem et dispositionem sedis apostolicae specialiter spectat, karissimum filium nostrum F(ridericum) illustrem Romanorum regem duximus exorandum, quatinus dilectum filium nostrum R(olandum) abbatem ipsius monasterii et monasterium ipsum pro beati Petri et nostra reverentia diligat, et litteras benivolentiae suae ipsi transmittat, in quibus gratiam et bonam voluntatem suam eidem abbati ostendat."

¹⁵ Jaffé thought that it was Roland, but Kehr believed that it was Rusticus.

accompanied the emperor to the Sabina as his captive, in 1155 he traveled as his companion.

After crossing the Tiber at the fording spot of Mallianum in the area of Mount Soratte, they arrived at Farfa.¹⁶ Archangelus de Alexandris relates that wishing to distance himself from the insolence of the Roman consuls, Adrian IV secretly left Rome with Frederick. Crossing the Tiber at Mallianum, they departed for Farfa, where Rusticus greeted them, and extended lavish hospitality.¹⁷ Writing in the eighteenth century, F. Sperandio speaks of a stop at the well-fortified castle at Magliano [Mallianum], whence, after recovering from their harrowing flight, they departed for Farfa on June 19.¹⁸

Farfa's earliest known source describes Frederick's coronation and the battle in Rome, but fails to mention that Adrian accompanied the emperor to Farfa.¹⁹ Rather, it emphasizes things imperial. The chronicler states that both the abbot and the congregation received Frederick, and accepted him into the fraternity of the brothers. Since the abbot and the monks had last granted this honor to Henry IV, they were at the least recalling Farfa's imperial past, and possibly they were trying to recreate it anew. Frederick, in turn, returned to the role of patron by promising to carry out justice in all cases involving Farfa's possessions.²⁰ An anonymous chronicler describing the

¹⁶ *Lib. Pont.* 2, p. 392: "De cetero autem imperator simul et pontifex exeuntes de finibus Urbis per campestria iuxta Tyberim, processerunt usque ad vadum de Malliano; ibique fluvium ipsum cum toto exercitu transeuntes, intraverunt Sabinensem comitatum, et per Farfam atque castrum de Poli transitum facientes . . ."

¹⁷ Archangelis de Alexandris, fol. 86r: "Adrianus Quartus Summus Pontifex causa protervite Consulium Romanorum cedere volens, ab Vrbe clam discessit una cum Imperatore Friderico primo, et per adversi Tiberis ripam Mallianum usque progressi sunt. ibi amne transmissio, et per Sabinas iter facientes ad Farfense perrexerunt Coenobium, ibique a Rustico Abbati perhumaniter hospitio suscepti mense Iunio."

¹⁸ F. Sperandio, *Sabina sacra e profana, antica e moderna* (Rome, 1790), p. 280.

¹⁹ Vat. Lat. 6808, fol. 129 A; *Chron.* 2, App. III, p. 321: ".MCLV. Fredericus rex in Italiam venit cum magno exercitu, capta et destructa civitate quae Terdona dicitur, ivitque Romam, et ibi unctus est in imperatorem ab Adriano IIII papa in festivitate sanctorum Marcelli et Marcellini, sabati die. eo die armata manu Romani super eum irruerunt, et predam ipso non repugnante duxerunt, equos videlicet ac paviliones. qua de causa succensus imperator ira, sumpsit arma, et ex eis magnam cedem fecit. post Farfam adiit . . ."

²⁰ *Ibid.*: "... ibique societate accepta a domno abbate et omni congregatione, honorarium se altare et nobis iustitiam facere de cunctis rebus huius monasterii libentissime spopondit. inde Spoletum pergens, cepit civitatem, succendit, divastavit ac depredatus est, mense iulio, die .xxiii., feria .IIII." Schuster, *Abbazia di Farfa*, pp. 290-291.

hostilities following Frederick's coronation states that Frederick went from city to city collecting tribute owed to the king.²¹ In all probability he requisitioned Farfa, just as he had when he sent Heribert to collect fodrum at the time of his investiture of Rusticus.

Besides seeking succor after the bruising battles in Rome, and collecting taxes to pay for his expedition, Frederick was deliberately using these visits and requisitions to stake out his claim to imperial authority within the Patrimony. But the papacy was not intimidated by Frederick's new assertiveness. There was little that Adrian IV could do while in Frederick's company in June, 1155, but on May 4, 1157 he granted all of the pertinences of the destroyed castle of Tribuco to the people of the Castle of Bucciniano. He noted that this territory lay within the Patrimony of St. Peter, and he characterized Farfa as lying under the jurisdiction of the Roman church.²²

In this see-saw contest for control of the Patrimony, between May 18 and June 18, 1159, Frederick made a very generous grant to the Ottaviani. He invested the four brothers—Cardinal Octavian, Otto, Godfried, and Soliman—with the city and country of Terni, save by imperial rights.²³ It could not have been entirely fortuitous that four

²¹ *Anonimo contemporaneo, Gesta di Federico I in Italia*, ed. Ernesto Monaci, Istituto Storico Italiano, Fonti per la Storia D'Italia 1 (Rome, 1887), p. 36:

Iamque mouens rex castra, locis dum peste relictis,
Eius nonnullas regionis uisitat urbes
Atque tributa petit Romano debita regi.
Accipiunt illum populi sine fraude tributa
Donaque digna super dantes et iussa facessunt.

²² *Göttingen Nachrichten* (Göttingen, 1900), pp. 174–175, P. Kehr, Papsturkunden in Rom; May 4, 1157, Lateran: "... Dilectis filiis universis hominibus castri Bucciniani. . . paternam gerere sollicitudinem debemus et specialiter de his qui in patrimonio beati Petri consistunt. . . ne quo cumque pretexto et causa seu ratione perturbandi sint in posterum tam dicti homines quam pii et religiosi nostri filii monasterii quod dicitur sancte Marie in Pharpha sicut pater universalis religiosorum uirorum, ad iurisdictionem sacrosante Romane ecclesie singulis pertinentibus dedimus . . . totam pertinentiam . . . Tribuci. . . saluis foedis ad opus nostrum et fratrum nostrorum."

²³ MGH DDF1, #274, pp. 83–84; The diploma was issued during the period from May 18–June 18, 1159, when cardinals Octavian and William were at the imperial court: "... nos dilectissimis nostris fidelibus et amicis Octaviano sancte Romane ecclesie presbitero cardinali et fratribus suis Ottoni, Gottifredo et Solimanno civitatem et comitatum Interampnensem cum omni dignitate vel iure seu proprietate ad ipsum comitatum vel ad ipsam civitatem pertinente in perpetuum iure feudi concessimus secundum metas et terminos subnotatos. . . concedimus et presentis privilegii auctoritate confirmamus cum castellis [etc.] et cum omnibus ad iura imperii pertinentibus, ex quibus aliquis honor aut aliqua utilitas provenire potest. . . Sint autem hec omnia salva in omnibus iustitia et honore imperii."

months later Cardinal Octavian opposed the papal chancellor for the papal throne.

In the summer of 1159 on the invitation of the Romans, Frederick dispatched Count Guido of Blandrate and Otto of Wittelsbach, count Palatine, to Rome to deal with the dissension brewing there. The legates were still there at the time of the death of Adrian IV on September 1, and they remained for the disputed elections of Cardinal Priest Octavian as Victor IV (1159–1164), and the papal chancellor, Roland, as Alexander III (1159–1181). It is improbable that Frederick either fomented or welcomed the schism, but having just favored Octavian in the investiture of Terni, it is not surprising that after his attempts at mediation had failed, he favored him in the schism.

Farfa may have feared that Frederick's support of the Ottaviani would be at its own expense, and its uneasiness may in part account for what seems to have been its ambivalence toward the election. One source indicates that it recognized Alexander, while another states that it provided its own monastery as a setting for Victor's consecration on October 4, 1159.²⁴

There is no evidence that Otto of Wittelsbach interfered in the election, but afterwards he tried to make the Patrimony subject to Victor IV.²⁵ While the imperial legates were in the area they traveled to Farfa to hear complaints raised by the monks against Rusticus. In their entourage were the prefect of Rome, members of the Roman nobility, and the counts of Tusculum, Palestrina, Monticelli (Otto), and Palombara (Octavianus). We recognize the latter two as Ottaviani, who had a history of ambivalent loyalties. The presence of these powerful nobles at a session held jointly with the chapter added gravity to the proceedings, and signaled a move toward independence from the papacy, for they were not allies of the pope. The composition of those attending the hearings suggests that the legates had decided beforehand to use the occasion for formally reclaiming Farfa for the empire.

The great decree issued by Otto after the session had the same

²⁴ *Chron.* 2, p. 321: "Adrianus papa obiit .II. kal. septembris. . . . et contentio exorta est inter Alexandrum papam et Octavianum qui dictus est Victor." Watterich, *Pontificum Romanorum Vitae* 2, n. 3, p. 464: "Guido de Crema et Raimundus et episcopus Tusculanus elegerunt Octavianum cardinalem in Papam Victorium; et sacratus est Pharphum." *Chron. Fossae Novae* ad h.a.

²⁵ Robinson, *The Papacy*, pp. 473–474.

legal force as though it had been issued from the imperial chancery. It characterized the hearing as imperial, and Farfa as a "Regale Monasterium."²⁶ Archangelus de Alexandris emphasizes the imperial character of the tribunal, and the presence of imperial magnates.²⁷ He reports that the monks charged that Rusticus had sequestered property of the chapter guaranteed in a bull of Adenulf I. The judgment constrained Rusticus to restore the property he had alienated from the chapter, and admonished him to moderate the rigor of his administration in line with the practices of the abbeys of Cava dei Tirreni near Salerno and S. Benedetto di Polirone near Mantua. Both of these abbeys followed the customs of Cluny that had been the bedrock of Farfa.²⁸

At least for the moment both the emperor and the pope claimed to be Farfa's patrons, and its own position was ambiguous. It is a sign of its wide gyrations that both Eugenius III, the Cistercian pope,

²⁶ A. L. Muratori, *Rerum italicarum scriptores*, 2, pars altara, p. 678: Decree of Otto, count Palatine, for suitable provisions to Rusticus, 1159: "Ego Otto Palatinus Comes, jussu Domini Imperatoris Friderici Divi & Invicti Augusti ad partes Romanas Legatus transmissus plerisque in comitatu nostro a latere dicti nostri Imperatoris adjunctis. . . ad Regale Monasterium Farfense devenimus, ubi velut in Imperiali Camera residentes, convocatisque ad nostram praesentiam comitibus, capitaneis & aliis partium ipsarum Magnatibus causas plurimorum & audivimus & determinare curavimus."

²⁷ Archangelus de Alexandris, fol. 86v: "Postea anno Domini 1159, legitur prolata a Monachis Farfensibus querela contra Abbatem Rusticum, coram Othone Comite Palatino, et legato Friderici primi Imperatoris. Qui ad Farfense Regale ueniens Monasterium ubi tamquam in Imperiali Camera publice audientie cum aliquibus Imperij magnatibus residens, monachorum audiuit querelas."

²⁸ Muratori, op. cit.: "Ubi etiam commorantes Fratres ipsius Sancti Coenobii pia sollicitudine in ipsorum Clastrum visitare studuimus. Qui unanimiter ante nostram praesentiam accedentes super Abbatem ipsius Monasterii Rusticum, eo praesente, voce flebili sunt conquesti, qui scilicet in victu & in vestitu eos acriter nimis affligeret, subtrahendo illis quaecumque auctoritate suorum majorum praedecessorum eidem sanctae Congregationi pro victu & vestitu fuerant attributum, & maxime a sanctae memoriae Abbate Adenulfo, cuius ordinationem in scripto ipsi Fratres ostendebant, quod eisdem Monachis annualiter pro ipsis vestimentis dumtaxat solvi deberet. [legates decide for the monks] communicato itaque consilio Baronum nostrorum, Imperiali auctoritate praemissa, statuimus & nostro praecepto firmavimus, ut juxta tenorem nobilissimae illius constitutionis venerandae memoriae Abbatis Adenulfi, omnia quae Monachis infra claustrum commorantibus attributa esse noscuntur, eidem sancto conventui ad vestimentorum. . ."

Archangelus de Alexandris, fol. 86v: [monks accuse Rusticus of deprivations] "subtrahendo ea, quae sui antecessores legitime instituerant esse largienda, praecipueque ab Adenulfo Abbate defuncto decreta fuerant exhibuerunt. . . Quapropter Otho Comes monachis compatiens auctoritate qua fungebatur Imperiali, statuit et decreuit, ut Abbas Rusticus observaret consuetudinem Monasteriorum in Italia Congregationis Cluniacensis. . . Ad cuius rei observationem Abbas coactus fuit promittere se cuncta observaturum publico id affirmante Chirografo." Schuster, *Abbazia di Farfa*, p. 292.

and Victor IV, the pope favored by Frederick in the schism of 1159, would choose it as the site for their consecrations. But Farfa had always straddled a shaky line between competing forces, and it is to be expected that it would be less steady during periods of intense pressures. While wishing to return to the imperial fold, and to regain its ancient immunities, it appeared to want to keep some distance from an Ottaviani pope.

Internal squabbles between the provost and the prior may reflect different attitudes toward these pressures. Two documents written between 1150–1158 reveal this turmoil.²⁹ Frederick also alludes to troubles at Farfa. Godfried succeeded Rusticus in 1160. In a letter written before 1163, Frederick expressed his elation at Godfried's election, and stated that he was optimistic that his energy and initiative would reverse Farfa's fortunes.³⁰ He promised his support, and stated that he would send his chaplain, Heribert, to help. It seems quite probable that Godfried was the brother of Cardinal Octavian (Victor IV) mentioned in Frederick's diploma of 1159 granting Terni and its environs to the Ottaviani brothers. Godfried is again named in a donation of the priest, Guido di Maniano in the Sabina of June 17, 1167. Indicating the close connection between Farfa and Frederick, the charter is signed by "Rainaldus farfensis monasterii et domni Imperatoris Frederici iudex."³¹

Godfried died in October 1167, and was succeeded by Adenulf II, perhaps indicating a swing away from the Ottaviani. On February 23 of a year known to be between 1174–1176, Alexander III wrote to Adenulf II from Anagni as though Frederick had never intervened in Farfa. Both he and his successor, Celestine III, confirmed Farfa's ancient privileges.³² But in 1185 Frederick was still acting as patron. On January 12 of that year he placed Farfa, with all of its possessions, and Pandolfus, its abbot, under imperial protection. He confirmed its immunities, and nullified related documents issued by the Romans. Further, he denied the right of the Romans to raise tribute

²⁹ Kehr, "Urkunden zur Geschichte Farfa," #VI, #VII, pp. 183–184.

³⁰ Ibid., #V, pp. 181–182: "Audita in Farfensi monasterio promotione tua exylarati sumus, sperantes quod tua industria et strenuitate ecclesia Farfensis, que iam diu multis fatigata est molestiis, sue dignitatis statum debeat recuperare." MGH DDF1, #399, p. 276; June 13 before 1163; *Chron.* 2, p. 322: "Anno Domini MCLX, mense Martii, die vigesima, Gottifredus factus est abbas."

³¹ Schuster, *Abbazia di Farfa*, n. 7, p. 293.

³² Kehr, *Italia Pontificia* 4, p. 153: "Ad Ad(enulpho) electo et monachis farfensibus."

or fodrum from Farfa's castles or other property. He forbade them from demanding vassalage from Farfa's men, and from exercising rights of justice.³³ These pronouncements covered the essential tenets of sovereignty, and left no room for papal interference in Farfa. As a sign of the by now routine nature of their relationship, on September 18 of the same year Pandolfus witnessed a grant that Frederick made to the bishopric of Ascoli.³⁴

The End of Imperial Patronage

Pretenses of imperial patronage all but vanished with Frederick's death, and the abbey seems to have returned to papal obedience during the reign of Celestine III in 1193.³⁵ Although occasionally the monks rebelled against the papacy to regain their ancient rights, they lacked the power to attain any substantial victories. They could no longer hope for the independence that Farfa had previously enjoyed, but at least they benefited from papal protection against episcopal domination. While in Spoleto in December, 1198, Innocent III confirmed

³³ Ibid., 2, #57, #58, p. 69; MGH DDFI #891, pp. 139–140; Ignazio Giorgi, "Il Regesto di Farfa e le altre opere di Gregorio di Catino," *Archivio della R. Società di Storia Patria* 2 (1879), 409–473, App. II., pp. 452–455: "Cognoscat tam presens etas fidelium imperii quam successiva posteritas, quod nos intuitu diuinae retributionis, et ex fauore specialis prerogatiuae, ipsum monasterium farfense, et totam abbatiam eius, ipsius quoque Abbatem Pandolfum, et successores ipsius, et personas obsequiis diuinis ibidem deputatas presentes et futuras, et omnia bona eiusdem monasterii, et omnes possessiones eius quas nunc habet, uel in posterum, prestante domino, poterit adipisci, uidelicet. . . . sub protectione defensionis nostre suscepimus, et [monastery, abbot, etc.] cum mera et inuiolata libertate, quam ab antiquo habuisse dinoscuntur, et habere, imperiali auctoritate ei confirmamus; firmiter precipientes ut in omnibus rebus ac bonis suis omnino sint immunes ab omni illicita exactione et quorumlibet hominum uexatione, et quod nulli prorsus persone humili uel altae subiaceant nec habeant respondere, nisi tantum Imperiali uel Regiae maiestati, uel certo misso nostro ad hoc destinato. Ad hec nominatim et expresse, mandato imperatoriae maiestatis, firmiter inhibemus, ne in castris aliisque bonis faruensis abbatiae, romanis tributum siue fodrum liceat aliquo tempore exigere, nec in hominibus ipsius abbatiae fiducias habere uel requirere, nec uocationes facere quibus ausu magis temerario quam iure debito presumunt abbatem et homines ecclesiae ad iusticiam faciendam citare, et mandatum quod ipsi romani priuilegio suo super his fecerunt cassamus, et omnino in irritum imperiali auctoritate deducimus, et ne ab eis de cetero fiant, sub obtentu imperialis gratiae ac sub debito fidelitatis prohibemus. . . ." Schuster, *Abbazia di Farfa*, p. 293.

³⁴ MGH DDFI #917, pp. 181–183; other witnesses were Otto de Monticellis and Otto de Palumbaria.

³⁵ Schuster, *Abbazia di Farfa*, p. 294.

Farfa's property and exemption from payment of the *vectigalium*.³⁶

Ten years later, on March 3, 1208, Innocent directed a letter from the Lateran to all of the clergy of Farfa, substantially agreeing with them in a dispute with the bishop of the Sabina. He declared Farfa to be exempt from any jurisdiction save that of the Roman pontiff alone, and conceded to it high jurisdiction over all but six of its churches in the Sabina. In addition to the ordination of clergy and the dedication of churches, jurisdiction encompassed control over payments of tithes, oblations and death taxes. These were financial assets if controlled by Farfa, but potential debits if controlled by the bishop of the Sabina. In other areas that fell under the *jus episcopale*, Innocent declared Farfa to be subjected to the bishop.³⁷

On August 5, 1209, Innocent dispatched successive letters from Viterbo concerning hearings that he had ordered to be held in the presence of cardinals Rogerio of Sant'Anastasia, and Pelagio of Santa Lucia ad septa solis. Dealing with the endemic jurisdictional disputes between Farfa and the bishopric of the Sabina, the first concerned the possession of the church of S. Vito de Granica on the river Farfa and the church of S. Michele with an annexed chapel. Already under Adenulf I the bishop of the Sabina had contested these churches. Lucius III ruled in favor of the bishop, but when the monks protested, Innocent turned the affair over to the two cardinals. Gentile I,

³⁶ Archangelus de Alexandris, fol. 88r: "Pandulfus Abbas obtinuit ab Innocentio tertio Privilegium confirmatum omnium bonorum monasterij, et pariter exemptionum vectigalium. Datum Spoleti 7° Id. Decembris." G. Palmieri, *Il Muratori. Raccolta di documenti storici inediti o rari tratti dagli archivi italiani pubblici e privati* (Rome, Tipografia Vaticana, 1892-95) 1, fasc. 2, p. 61; 1 fasc. 5, p. 194; Usually Palmieri relies upon Gregorius Urbanus, a seventeenth-century chronicler from Farfa. In this case he cites another chronicle from Farfa in the Biblioteca Barberina, segnata xxxii, 141: "Anno suae administrationis septimo, qui fuit Dominicae Incarnationis 1198, Pandulfus Abbas obtinuit ab Innocentio tertio privilegium confirmativum omnium bonorum monasterii, et pariter exemptionum vectigalium, datum Spoleti VII idus Decembris;" Schuster, *Abbazia di Farfa*, p. 297, speaks of such a bull issued on September 7, 1198, but there is no record of it.

³⁷ Potthast, Reg. I, 3313; Palmieri, *Il Muratori* 3, fasc. 18, pp. 241-242; PL 215: 1344-1345: "Universis clericis Abbatie Farfensis in Sabinensi diocesi constitutis. . . [bishop of Sabina makes claims against churches of Farfa; Innocent rules for Farfa] absolvimus in perpetuum ab impetitione quam contra ipsos idem episcopus super sui monasterii subiectione movebat, decernentes ipsum monasterium a cuiuslibet, praeterquam Romani pontificis iurisdictione liberum esse penitus et exemptum, et super hoc eidem episcopo perpetuum silentium duximus imponendum. . . ut in praestatione decimarum, oblationum et mortuorum, necnon ordinatione clericorum, et dedicatione basilicarum, Sabinensi episcopo nullatenus teneantur." Schuster, *Abbazia di Farfa*, p. 297.

abbot of Farfa, made his case in their presence through his procurator, Riccardo.

Presumably in good faith, both sides refer to a grant of the two churches made to Farfa in the eighth century by bishop Teuto of the Sabina. Since Gregory of Catino never records nor cites this document, it could have been forged; it also could have been lying in the archives of the bishopric, but not in those of Farfa. Johannes, bishop of the Sabina, argued that in the original document Teuto did not have the title of bishop, as he did in the copy introduced by Farfa. The astute judges noted, however, that other alleged documents from the Curia Sabinese were interpolated exactly there where they were essential for the decision of the controversy.

In addition to the testimony, the judges took into consideration Farfa's long possession of the churches. Farfa produced witnesses who testified that it had possessed the churches for ninety years from the time of the schism of Innocent II and then of Alexander III. What this evidence seems to imply is that Anaclet II and Victor IV recognized Farfa's possession of the churches because Conrad, bishop of the Sabina, supported Innocent II, and was absent much of the time. Even though the bishop of the Sabina argued this point during the hearings, the judges were more impressed with Farfa's long tenure of the churches. The judges were also dubious of the juridical titles invoked by the bishops, and although they decided that supreme spiritual authority lay in the bishopric, they ruled that territorial possession of the churches with their patrimony and pertinences pertained to the abbot.³⁸ This and other rulings under Innocent III reveal

³⁸ Potthast Reg. I, 3791; Palmieri, *Il Muratori* 3, fasc. 18, pp. 242–246; Viterbo, August 5, 1209; PL 216:101–103: "Porro memoratus episcopus ad probandum quod jamdicta ecclesia ad se in temporalibus pertinebat quosdam testes induxit, per quos nitebatur ostendere quod tam dictam ecclesiam quam molendina, terras et alia bona ejus Sabinenses episcopi diutius possederunt, de illis pro suae voluntatis arbitrio libere disponendo. Quidam quoque testes ad probandam praescriptionem ex vestra fuerunt parte producti; per quorum aliquos vester procurator asseruit sufficienter ostensum quod a nonaginta annis eandem ecclesiam cum molendinis et aliis bonis ejus vestrum monasterium possederat in quiete. . . . [the bishop responds, using evidence going back to the time of bishop Conrad during the schism between Innocent II and Anaclet II; the cardinals confer and decide] intelleximus supradictum episcopum intentionem suam minime fundavisse per depositiones testium vel procuratoris supradicti responsionem . . . Licet autem nimis excesserit qui transcriptum illius instrumenti falsavit, quia tamen delictum personae non debet in damnum Ecclesiae redundare, ac non solum ante sententiam, verum etiam post, objici potest exceptio falsitatis, cum falsorum instrumentorum praetextu lata sententia usque ad viginti annorum spatium valeat retractari, veritate comperta nolumus ut id vestro monasterio praejudicium

a strong focus on the temporalities, and in this sense, the judgment was a clear victory for Farfa.

The second hearing concerned the church of Sant'Angelo de Tancia. Johannes, bishop of the Sabina, argued that the church should fall under its jurisdiction because it lay within its diocese. Farfa disputed its location within the diocese, and declared that it had little faith in one of the documents that showed obvious signs of tampering. Johannes retorted that Pope Lucius [III] had ruled in Sabina's favor, and that he had witnesses to support his contention. After much arguing back and forth the bishop brought up the issue of oblations, claiming that half of those from special days were owed to his bishopric. After hearing all of the arguments the cardinals decided that the church of Sant'Angelo indeed was located in the bishopric of Sabina, and accordingly, that all spiritual matters and half of the oblations of certain days pertained to the bishop. However, the cardinals ruled that because the document concerning temporalities submitted by the bishop was invalid, the bishop could not claim those temporalities.³⁹

In each case the bishop of the Sabina resorted to forgery, tamper-

generaret. Quia vero nobis constitit supradictam ecclesiam Sancti Viti constitutam esse in diocesi Sabinensi, episcopale jus in omnibus spiritualibus eidem episcopo adjudicavimus in eadem. . . . Verum quia dictus episcopus, qui eandem ecclesiam sibi quoad temporalia vendicabat, munitum se super hoc praescriptione legitima non ostendit, quamquam probaverit episcopos Sabinenses bona ejusdem ecclesiae aliquando tempore possedisse, vos ab impetitione ipsius quoad temporalia ejusdem ecclesiae sententialiter duximus absolvendos."

³⁹ Pothast, Reg. I, 3792; Palmieri, *Il Muratori* 3 fasc. 18, pp. 246–248; PL 216:103–105: "Cum venerabilis frater noster Iohannes Sabinensis episcopus coram dilectis filiis nostris Rogerio tituli Sanctae Anastasiae presbytero, et Pelagio Sanctae Luciae ad septa solis diacono cardinalibus, quos sibi et Ricardo procuratori vestro concessimus auditores, ecclesiam Sancti Angeli de Tancia cum suis possessionibus et pertinentiis petisset, asserens eandem ad se tam in spiritualibus quam temporabilibus pertinere, primo possessorium et post ea petitorium intentando, allegavit ante omnia jus commune, quia, cum eadem ecclesia sit constructa in Sabinensi diocesi, ut dicebat, sub ipsius debebat consistere iuxta canonicas sanctiones. . . . In temporalibus quoque ad se dictam ecclesiam pertinere idem episcopus nitebatur ostendere per publicum instrumentum. . . . Sed pars vestra proposuit instrumento praedicto nullam fidem penitus adhibendam propter superlinearem scripturam et rasuram in loco suspecto factam, ubi videlicet adnotatio temporis recensetur. . . . [Pope Lucius decides in favor of bishop; listening to all evidence legates of Innocent decide:] episcopale ius in omnibus spiritualibus eidem episcopo adiudicavimus. . . . Quia vero instrumentum praedictum, per quod episcopus supradictam ecclesiam intendebat sibi quoad temporalia vendicare, ad faciendam super hoc fidem inualidum esse cognovimus, utpote propter praedicta de iure suspectum, vos ab impetitione ipsius quoad temporalia ejusdem ecclesiae sententialiter duximus absolvendos, eidem super hoc silentium imponentes." Schuster, *Abbazia di Farfa*, p. 298.

ing and deception to gain control of the temporalities of the property under dispute. These were not isolated instances, but rather cases in point of what was common practice. They conjure up the ghost of the papal electoral decree of 1059, and serve as a further admonition for caution and scepticism in reading the decree and related texts.

Both seventeenth-century chronicles from Farfa and papal letters reveal Innocent's continued involvement with Farfa. In June, 1212, he asked the abbot, Gentile, to intervene in a dispute over the abbot of Sant'Angelo de Plano, but on November 16, 1214, he unveiled a specter of debased morality to which he had heretofore not alluded. He spoke of the huge and serious problem of spiritual decay that had plagued Farfa for a long time.⁴⁰ Describing a flagrantly corrupt abbatial election, he ordered that elections be carried out according to canonical norms.⁴¹

This moral rot—at least from the papal point of view—seems to have continued, and when the monks rebelled against papal strictures, Honorius III (1216–1227) placed them under the interdict. The two sides reached a compromise in June, 1219, but the old ideals were not reanimated, and a series of mediocre abbots failed to raise Farfa to its former eminence. From the reign of Gregory IX in 1227, Farfa slipped inexorably further down the slope into poverty and decadence. Frederick II may have tried to stem the tide, for seventeenth-century chroniclers report that in 1235 he confirmed Farfa's property, and declared the one-time imperial abbey to be directly under the empire. As an echo reverberating back to Nicholas II, he stated that no one, not even the *Summus Pontifex*, could place any burden upon it.⁴²

⁴⁰ PL 216:628–630; Palmieri, *Il Muratori* 1, fasc. 2, pp. 70–71; Lateran, November 16, 1214: "Priori et Conventui Farfensi: Quoniam graviter et enormiter propter intrinsicam et extrinsecam pestem in spiritualibus a longo iam tempore farfense Monasterium sit collapsum manifesta demonstrant indicia, et certa probant argumenta."

⁴¹ Ibid.: "... nos igitur ecclesie puritatis zelo succensi, quod tam improbe factum est irritantes, universos ab obedientia, et fidelitate illi prestita decrevimus, auctoritate apostolica, penitus absolutos."

⁴² Archangelus de Alexandris, fol. 88r: "Porro preter supra annotata, nil aliud gestum ab eo legitur infra spatium annorum quadraginta quatuor, quibus prefuisse creditur preter Regale privilegium Friderici Secundi Imperatoris, quod confirmat omnia bona Abbatie Farfensis cum declaratione, quod Abbas Farfensis nemini subiaceat, nisi Romano Imperio immediate; et quod nullus, nec etiam Summus Pontifex, aut quevis persona, in qua uis dignitate constituta, possit aliquod gravamen inferre. Datum Laude Secundo Idus Ianuarij anno Domini 1235." Using Gregorius

Both chronicles state that Frederick's confirmation of Farfa's goods and privileges was the first such act since Innocent confirmed its privileges in 1198.⁴³ Frederick had little chance of enforcing his brave words, however, and as far as we know, the momentum of Farfa's accelerating weakness did not diminish.

If there were one document that sounded the death-knell of imperial patronage and the end of Farfa's independence, it would be Urban IV's privilege of February 22, 1261. Urban took Farfa under the protection of St. Peter, declaring that it pertained to the Roman church alone, *nullo mediante*.⁴⁴ Twice, he used the customary *salva* clause to safeguard the rights of the papacy. The privilege was not without benefit for Farfa, however, for at least it freed it from control of local bishops, who, as we have seen, had been claiming this right. Demonstrating that this time papal domination was permanent, Urban V renewed the privilege in 1366.⁴⁵

Farfa not only had lost its immunities, but as a symptom of its weakness, it had also lost local control over its monastic possessions. For example, on June 18, 1278 Abbot Moricus and the monks of Farfa nominated Berardus of Rieti as the syndicas, yconomus, and procuratore of the monastery of Fermo and Ascoli. At this time Farfa divided its possessions into domains, and Ascoli and Fermo formed the center of one domain. The procurator who governed in the name of the abbot had the authority to administer the property with full power, and his decisions could not be appealed to the abbot.⁴⁶

Another example comes from the archives of Farfa's old rival,

Urbanus, Palmieri quotes the same bull almost word for word. *Il Muratori* 1, fasc. 5, p. 194.

⁴³ Palmieri, op. cit., p. 194: "Porro, preter supra annotata, [privilege of Innocent III of December, 1198] nil aliud gestum ab eo legitur infra spatium annorum quadraginta quatuor . . . preter regale privilegium Friderici Secundi Imperatoris . . ."

⁴⁴ Archangelus de Alexandris, fol. 90v: "Anno Domini 1261 [sic] qui fuit secundus regiminis Peregrini Abbatis obtinuit Bullam a Summo Pontifice Urbano quarto declarati[?]am ecclesiam Farfensem nullius esse diocesis et ad ecclesiam Romanam immediate pertinere: quam idcirco Pontifex sub sua protectione suscepti." Schuster, *Abbazia di Farfa*, p. 313.

⁴⁵ J. Guiraud, "La Badia di Farfa alla Fine del Secolo Decimoterzo," *Archivio della R. Società Romana di Storia Patria* 15 (1892), 275-288 at pp 280-285: "... monasterium b. Marie Farfensis, quod ad Romanam Ecclesiam nullo pertinet mediante, sub b. Petri et nostra protectione suscipimus et presentis scripti privilegio communimus [long list of property and privileges] (p. 284) salvis privilegiis pontificum Romanorum. . . . (p. 285) salva Sedis Apostolice auctoritate." Schuster, *Abbazia di Farfa*, p. 339.

⁴⁶ Guiraud, "La Badia di Farfa," p. 278: "... senza che degli atti si facesse mai appello all'abbate."

Ss. Cosma e Damiano in Mica Aurea. Without even mentioning Farfa, on April 19, 1281, Petrus Lombardus made a grant to two of Farfa's churches in Rome—S. Salvatore de Termis and S. Benedetto de Termis. Further, showing that the testator considered the finances of Farfa to be distinct from the two churches, he left Farfa itself a small grant.⁴⁷ These examples show that Farfa's control of its monastic empire had become tenuous at best. Like the Roman Empire, it too had run its course.

⁴⁷ Ibid., 279: "Relinquo . . . ecclesie S. Salvatoris de Termis et ecclesie S. Benedicti de Termis . . . iuxta provisionem suprascriptorum executorum ad opus et utilitatem dictarum ecclesiarum. . . ."

CHAPTER NINETEEN

CONCLUSION

We have seen that Farfa simultaneously reflected the age of reform and papal expansion on two levels: (1) as a powerful imperial monastery on the doorstep of Rome, and (2) as a participant in the contest between *regnum* and *sacerdotium*. As an energetic force in Latium, it competed and cooperated with other monasteries and churches, joined forces or vied with noble and non-noble families, and interacted with the papal curia. At times it contributed its own abbots as cardinals. It was involved in innumerable property disputes, and won most of the cases that were adjudicated. It constantly tried to position itself to extend its power, and to safeguard its privileges and holdings from those who coveted them. Frequently it failed because of inner turmoil, the deficiencies of its abbots, or the actions of outside forces beyond its control.

On the European scene it operated at the highest levels, especially, but not exclusively in the imperial domain. Emperors did not just wield a protective hand from afar, but stopped at Farfa when they were in the area, dispensing justice, and intervening on its behalf in local affairs. In turn, when called upon, Farfa acted for the emperor when he was not present. In the religious sphere Farfa also interacted with individuals and institutions throughout the West. In the tenth century Cluniac abbots helped it to set higher monastic standards, and in the twelfth century St. Bernard spurred a passionate desire in Adenulf I to introduce Cistercian austerity at Farfa. Siding with Innocent II, the pope whom Bernard championed in the schism of 1130–1138, Adenulf functioned as the perfect intermediary between pope and emperor.

Like many other monastic enterprises, Farfa was both a religious and a political entity. Its vast, strategically located property afforded it a unique opportunity to influence situations and events in and around Rome. Although it represented imperial interests and acted as a counterweight to the papacy, it almost always recognized the reform popes. Like Farfa, the papacy was both an ecclesiastical and a political institution, and in its political guise, its main point of ten-

sion with Farfa was the Sabina. It wanted to rule the Sabina as part of its Patrimony, while Farfa wanted to keep its surrounding territory independent of papal domination.

Nicholas II (1059–1061) was one of the few popes whom Farfa revered. It never perceived this foreign pope as a threat, for while Nicholas unobtrusively took control of individual pieces of property in the Sabina, he never pursued a comprehensive policy of establishing papal sovereignty. Rather, he honored Farfa in many ways, and most importantly by guaranteeing its liberties, even from transgressions by the papacy. Time and again Farfa's abbots cited his privileges to defend the abbey from infringements of its immunities.

Farfa transmitted the version of the papal electoral decree of Nicholas II that not only acknowledged but specified imperial rights. Reproducing this version of the decree may have had little or nothing to do with its political proclivities, for Gregory of Catino might simply have seen it as the genuine decree. Arguably it was, for it was consistent with the political situation of 1059, and specifically with the relationship of Nicholas with Farfa and the empire. To the brothers it would have been inconceivable that the pope whom they venerated, would have promulgated a decree that mitigated imperial rights, and by extension, their own. Had he done so, they would have reproved him, as they reproved Gregory VII and Paschal II, whom they regarded as threats to their own liberties, and more broadly, to Christian society as instituted by God himself.

Even more than the two versions of the papal electoral decree, the arbitration proceedings set up to resolve the property dispute between Farfa and the Ottaviani in 1103 aired the major arguments between *regnum* and *sacerdotium*. The sessions became a forum for debating the foundations for papal and imperial authority, and may intentionally have been orchestrated for that purpose. The sophistication of the arguments adduced by the counts, and especially the exploitation of the Donation of Constantine, suggest that the papacy may have been operating behind the scene. Lawyers for the counts interpreted the Donation in its most extreme form to date, appealing to its provisions to make vast claims for papal secular power. Farfa's advisors met their assertions with incisive arguments, casting doubt on the validity of the Donation, and forcing the counts to jettison the forgery as their defense. In the end Farfa and the counts disregarded their patrons, and fought to a standstill for their own interests. The contrast between the positions of the empire and the papacy as

revealed in the papal electoral decree and in the arguments adduced in the trial shows how sharp and extreme they had become.

At times Farfa directly entered the fray. Berald III was especially aggressive in defending imperial causes, and in 1111 he reached an extreme when he cooperated with Henry V in the incarceration of Paschal II and most of the papal curia. For this he paid a high price in the loss of prestige, for by humiliating the papacy, he earned the disdain of churchmen. He did, however, have his defenders, and especially the monk from Farfa—most probably Gregory of Catino—who wrote the *Orthodoxa Defensio Imperialis*. From the author's perspective, Henry V was justified in avenging his father for the wrongs that he had suffered at the hands of Gregory VII and Paschal II. The author wrote with a vast store of knowledge and a keen sense of logic, displaying a verve and passion that no monk from Farfa ever mustered in defense of the papacy.

Farfa's anthropomorphic model of a Christ-ordained society in which the king as the head and the pope as the heart were both essential, died a slow death as each side tried to diminish the necessity of the other. In the contest between *regnum* and *sacerdotium* Farfa was on the losing side, and the Concordat of Worms sealed its doom. It did not seem like doom to Adenulf I and the popes who protected Farfa and honored it with their presence, but the old abbey had lost its independence. Prospects for restoring imperial patronage seemed bright when Frederick Barbarossa tried to revive the empire in Italy, and at least dim when Frederick II jostled with the papacy to maintain an imperial presence. Frederick II and the Hohenstaufens lost the duel, and Farfa's vitality ebbed with that of the empire. Without the immunities and liberties that provided its strength, it retreated from the world.

But the papacy did not leave the old imperial monastery bereft of support. Innocent III defended it against episcopal impositions, and he and his successors continued to confirm its property. In the eyes of the religious the waning of its power may have been a blessing, for now the monks could devote themselves to Christ and the Blessed Virgin. Today the once powerful monastery lies peacefully in the beautiful Sabina, preserving the skeleton of its ancient buildings and the remains of its magnificent library for posterity. The sun still shines on Farfa.

BIBLIOGRAPHY

Manuscripts

V. P. D. Archangelus de Alexandris. *Chronicon Sacri ac Regalis Monasterii Farfensis ex uetusissimis manuscriptis collectum per V. P. D. Archangelum de Alexandris ab Urbe eiusdem coenobii alumnum*. 1626.

Chronicon Farfense. Farfa 1, Biblioteca Nazionale Vittorio Emanuele. Rome.

Liber Floriger. Farfa 3, Biblioteca Nazionale Vittorio Emanuele. Rome.

Liber Largitorius vel notarius monasterii pharphensis. Farfa 2, Biblioteca Nazionale Vittorio Emanuele. Rome.

Orthodoxa defensio imperialis. Cod. Casanatense bibl. D XIII. 16 saec. XV, fols. 1–10.

Panvinus, Onophrius. *De varia Romani pontificis creatione*. Bavarian Staatsbibliothek, Clm 147–152. Munich.

———. “F. Bernardi Monachi et Abbatis Monasterii Farfensis Liber,” *Onophrius Panvinii Veronensis Fratris Eremitae Augustiniana de varia Romani pontificis creatione* lib. III–IV. Bavarian Staatsbibliothek, Clm 148, fols. 186r–196v. Munich.

Regestum Farfense. Vat. Lat. 8487.

Sources

Albers, Bruno. *Consuetudines Farfenses*. vol. 1 of *Consuetudines Monasticae*. Stuttgart, Vienna, 1900.

Anonimo contemporaneo. *Gesta di Federico I in Italia*; ed. Ernesto Monaci, Istituto Storico Italiano, Fonti per la Storia d'Italia 1. Rome, 1887.

Baronius, Caesare. *Annales Ecclesiastici* 17. Luca, 1788.

Beno. *Benonis aliorumque cardinalium schismaticorum contra Gregorium VII et Urbanum II scripta*. MGH LdL 2:366–422.

Benzo of Alba. *Ad Heinricum IV imperatorem libri VII*. MGH SS 11:597–681.

Böhmer, J. F. *Regesta chronologico-diplomatica regum atque imperatorum Romanorum inde a Conrado I usque ad Henricum VII*. Frankfurt, 1931.

Bonizo of Sutri. *Liber ad amicum*. MGH LdL 1:568–620.

Bullarium Casinense. Ed. G. Margarini. Todi, 1570.

Caspar, Erich. *Das Register Gregors VII*. 1, books 1–4. Berlin, 1920, repr. 1967.

Chronica Monasterii Casinensis. MGH SS 34:1–773.

Chronicon Sublacense (AA. 593–1369). Ed. Raffaello Morghen; vol. 24, pt. 6 of *Raccolta degli storici Italiani*, ed. L. A. Muratori. Bologna, 1927.

Collectio canonum Regesto Farfensi inserta. Ed. Theo Kölzer, Monumenta Iuris Canonici. Series B: Corpus Collectionum 5. Vatican City, 1982.

- Corpus iuris canonici*. Ed. Emile Friedberg, 2 vols. 1 *Decretum Magistri Gratiani*. Leipzig, 1879–1891, repr. 1959.
- Deusdedit. *Collectio canonum*. Ed. Wolf von Glanville, *Die Kanonessammlung des Kardinals Deusdedit*. Paderborn, 1905.
- . *Deusdedit presbyteri cardinalis libellus contra invasores et symoniacos et reliquos schismaticos*. MGH LdL 2:292–365.
- Diversorum patrum sententie sive Collectio in LXXIV Titulos digesta*. Ed. John Gilchrist, *Monumenta Iuris Canonici*, Ser. B. Corpus Collectionum 1. Vatican City, 1973.
- Erdmann, Carl, ed. *Die Briefe Heinrichs IV*. MGH Deutsches Mittelalter 1. Leipzig, 1937.
- Gregory of Catino. *Chronicon Farfense*. Ed. Ugo Balzani, 2 vols. Rome, 1903.
- . *Il “Liber Floriger” di Gregorio da Catino*. Ed. Maria Teresa Maggi Bei. Rome, 1984.
- . *Liber largitorius vel notarius monasterii Pharphensis*. Ed. Giuseppe Zucchetti, 2 vols. Rome, 1913–1932.
- . *Il Regesto di Farfa*. Ed. Ignazio Giorgi & Ugo Balzani, 5 vols. Rome, 1892–1914.
- Jaffé, P. *Bibliotheca rerum Germanicarum*, 6 vols. Berlin, 1864–1873.
- . *Regesta pontificum Romanorum*, 2 vols., 2nd ed., W. Wattenbach, W. Loewenfeld, F. Kaltenbrunner, P. Ewald. Leipzig, 1895–1898.
- Kehr, Paul F. *Italia Pontificia; Regesta pontificum Romanorum*, 10 vols. Berlin, 1906–1975.
- Landulf of San Paulo. *Historia Mediolanensis Landulfi de Sancto Paulo*. MGH SS 20:17–49.
- Libelli Bernaldi Presbyteri Monachi*. MGH LdL 2:1–168.
- Le Liber Censuum de L'Église Romaine*. Ed. Paul Fabre & Louis Duchesne, Bibliothèque des École Française d'Atènes et de Rome, 2^e série, 2 vols. Paris, 1905.
- Liber Pontificalis*. Ed. Louis Duchesne, 2 vols. Paris, 1886–1892, repr. 1955–1957.
- Mabillon, J. *Annales ordinis S. Benedicti occidentalium monachorum patriarchae*, 6 vols. Lucca, Paris, 1739–1740.
- Mansi, J. D. *Sacrorum conciliorum nova et amplissima collectio*, 31 vols. Florence, Venice, 1759–1798.
- Migne, J. P. *Patrologiae cursus completus, series secunda in qua prodeunt patres . . . Ecclesiae Latinae*. 221 vols. Turnholt, Paris, 1844–1895.
- Mittarelli, Johanne-Benedicto. *Annales Camaldulenses* 3. Venice, 1758.
- Monumenta Germaniae historica*.
Legum sectio IV: Constitutiones et acta publica imperatorum et regum.
Diplomata Karolinorum. Die Urkunden der Karolinger.
Diplomata regum et imperatorum Germaniae. Die Urkunden der deutschen Könige und Kaiser.
Libelli de lite imperatorum et pontificum saec. XI et XII conscripti.
Scriptores.
- Muratori, L. A. *Rerum italicarum scriptores*, 25 vols. Milan, 1723–1751.
- Orthodoxa defensio imperialis*. Ed. Ignazio Giorgi, “Il Regesto di Farfa e le altre opere di Gregorio di Catino,” Appendice III. “La Orthodoxa Defensio Imperialis,” *Archivio*

- della R. Società Romana di Storia Patria 2 (1879), 409–473; ed. Lotharius de Heinemann, *Gregorii Catinensis Monachi Farfensis Orthodoxa defensio imperialis*, MGH LdL 2:534–542.
- Otto of Freising. *Chronicon*. MGH SS 20:83–301.
- Panvinus, Onophrius. *De origine Cardinalium*. Ed. Angelo Mai, *Spicilegium Romanum* 9, pp. 495–504.
- Petrus Damiani. *Die Briefe des Petrus Damiani*. Ed. Kurt Reindel, 3 vols. Munich, 1983–1989.
- . *Disceptatio Synodalis*. MGH LdL 1:76–94.
- I placiti del “Regnum Italiae.”* Ed. Cesare Manaresi, *Fonti per la storia Italia* 97, 3 vols., 3. Rome, 1960.
- Quellen zur Geschichte des Papsttums und des römischen Katholizismus*. Ed. Carl Mirbt, 6th ed. Kurt Aland, 5 vols. Tübingen, 1934.
- Register Gregors VII.* Ed. Erich Caspar; MGH Epistolae selectae. Berlin, 1920.
- Rufinus. *Die Summa decretorum des Magister Rufinus*. Ed. Heinrich Singer. Paderborn, 1902.
- Sancti Bernardi Opera*. Ed. J. Leclercq & H. Rochais; *Epistolae* I, *Corpus Epistolarum* 1–180. Rome, 1974.
- Watterich, Johann Matthias. *Pontificum Romanorum qui fuerunt inde ab exeunte saeculo IX usque ad finem saeculi XIII Vitae*, vol. 2 *Paschalis II.-Coelestinus III. (1099–1198)*. Leipzig, 1862, repr. Aalen, 1966.
- Wido of Ferrara. *De Scismate Hildebrandi*. MGH LdL 1:529–567.
- William of Malmesbury. *The Historia Novella by William of Malmesbury*, tr. K. R. Potter. London, Edinburgh, Paris, Melbourne, Toronto, New York, 1955.

Literature

- Armellini, Mariano. *Le Chiese di Roma dal Secolo IV al XIX*, new ed. Carlo Cecchelli, 2 vols. Rome, 1942.
- Arnaldi, G. “Alberico di Roma,” *Dizionario Biografico degli Italiani* 1, 647–656.
- Baix, F. “Cadalus,” *Dictionnaire d'Histoire et de Geographie ecclésiastique* 9, 53–99.
- Barracough, Geoffrey. *The Crucible of Europe: The ninth and tenth centuries in European History*. Berkeley, Los Angeles, 1976.
- . *The Medieval Papacy*. New York, 1968, repr. 1970.
- Becker, Alfons. *Papst Urban II. (1088–1099)* pt. 1. Stuttgart, 1964.
- Benson, Robert L. *The Bishop-Elect: A Study in Medieval Ecclesiastical Office*. Princeton, 1968.
- Bernhardi, Wilhelm. “Das Dekret Nikolaus II. über die Papstwahl,” *Forschung zur deutsche Geschichte* 17 (1877), 397–408.
- Bertolini, O. “La Collezione canonica Beneventana del Vat. lat. 4939,” *Collectanea Vaticana in honorem Anselmi M. Card. Albareda* I (Studi e testi 219). Vatican City, 1962.

- Blumenthal, Uta-Renate. "Fälschungen dei Kanonisten der Kirchenreform des 11. Jahrhundert," MGH Schriften 33, pt. 2 *Fälschungen im Mittelalter*, pp. 242–262. Hannover, 1988.
- . "Rom in der Kanonistik," pp. 29–39 of *Rom im Hohen Mittelalter: Studien zu den Romvorstellungen und zur Rompolitik vom 10. zum 12. Jahrhundert*, ed. Bernhard Schimmelpennig & Ludwig Schmutge. Sigmaringen, 1992.
- Boesch Gajano, S. "Berardo," *Dizionario biografico degli Italiani* 8 (1966), 767–775.
- Borino, G. B. "Cencio del prefetto Stefano l'attentore di Gregorio VII," *Studi Gregoriani* 4 (1952), 373–440.
- Bossi, Gaetano. "I Crescenzi di Sabina: Stefaniani e Ottaviani (dal 1012 al 1106)," *Archivio della R. Società Romana di Storia Patria* 41 (1918), 111–170.
- Brezzi, Paulo. *Roma e L'impero Medioevale (774–1251)*. Rome, 1947.
- Brugnoli, G. "La Biblioteca dell'abbazia di Farfa," *Benedictina* 5 (1951), 3–17.
- . "Catalogus Codicum Farfensium," *Benedictina* 6 (1952), 287–303; 7 (1953), 85–120.
- . "Note sulla minuscola farfense," *Rivista di cultura classica e medioevale* 3 (1961), 332–341.
- Brunner, Heinrich. "Das Registrum Farfense. Eine Beitrag zur Rechtsgeschichte der italienischen Urkunde," *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 2 (1881), 1–14.
- Busch, Jörg W. *Der Liber de Honore Ecclesiae des Placidus von Nonantola. Eine kanonistische Problemerkörterung aus dem Jahre 1111: Die Arbeitsweise ihres Autors und seine Vorlagen*. Sigmaringen, 1990.
- Calisse, C. *Storia di Civitavecchia*. Florence, 1936.
- Capitani, Ovidio. *Tradizione ed Interpretazione: Dialettiche Ecclesiologiche del Secolo XI*. Rome, 1990.
- Cavallari, Vittorio. "Cadalo e gli Erzoni," *Studi storici Veronesi* 15 (1965), 59–170.
- Cenci, Pio. "Documenti inediti su la famiglia e la giovinezze dall'Antipapa Cadalo," *Archivio storico per le province parmensi* n.s. 23 (1923), 185–223.
- Chodorow, Stanley. *Christian Political Theory and Church Politics in the Mid-Twelfth Century: The Ecclesiology of Gratian's Decretum*. Berkeley, Los Angeles, London, 1972.
- . "Ideology and Canon Law in the Crisis of 1111," *Proceedings of the Fourth International Congress of Medieval Canon Law*, pp. 55–80. Vatican City, 1976.
- . "Paschal II, Henry V and the Origins of the Crisis of 1111," pp. 3–25 of *Popes, Teachers and Canon Law in the Middle Ages*, ed. James Ross Sweeney & Stanley Chodorow. Ithaca, London, 1989.
- Cowdrey, H. E. J. *The Age of Abbot Desiderius: Montecassino, the Papacy, and the Normans in the Eleventh and Early Twelfth Centuries*. Oxford, 1983.
- De'Maria, Odorick. *The Ecclesiastical and the Civil Power in St. Peter Damiani*. Rome, 1964.
- De Rossi, G. M. *Torri Costiere del Lazio*. Rome, 1971.
- . *Torri medievali della Campagna Romana*. Rome, 1981.
- Drew, Katherine Fischer. "Land Tenure & Social Status in Medieval Italy as Dem-

- onstrated by the Cartulary of Farfa," #11 of *Law and Society in Early Medieval Europe: Studies in Legal History*. London (Variorum), 1988.
- Duchesne, Louis. *Les Premiers Temps de l'État Pontifical*. Paris, 1911.
- Egidi, P., Giovannoni, G., Hermanin, F. *I Monasteri di Subiaco*. Rome, 1904.
- Ermini, Letizia Pani. "L'Abbazia di Farfa," pp. 34–59 of *La Sabina Medievale*, ed. Marina Righetti Tosti Croce, presentazione di A. M. Romanini, intro. Pierre Toubert. Rieti, 1985.
- Falco, Giorgio. *Studi sulla Storia del Lazio nel Medioevo*. 2 pts. Miscellanea della Società Romana della Storia Patria XXIV/1, 2. Rome, 1988.
- Fedele, Pietro. "Carte del Monastero dei SS. Cosma e Damiano in Mica Aurea," pt. 1. "Secoli X e XI," *Archivio della R. Società di Storia Patria* 21 (1898), 459–534; 22 (1899), 25–107; 383–447; repr. Paola Pavan. Rome, 1981.
- . "Le Famiglie di Anacleto II et Gelasio II," pt. I. "La Famiglia di Anacleto II," *Archivio della R. Società Romana di Storia Patria* 31 (1908), 267–313.
- Felton, Franz J. "Zur Geschichte der Kloster Farfa und S. Vincenzo al Volturno im achten Jahrhundert," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 62 (1982), 1–58.
- Fiore Cavaliere, Maria Grazia. "Le Terme Alessandrine nei secoli X–XI. I Crescenzi e la 'Cella Farfae,'" *Rivista dell'Istituto nazionale d'archeologia e storia dell'arte*, ser. 3, 1 (1978), 119–145.
- Fois, Mario. "I Compiti e la Prerogative dei Cardinali Vescovi secondo Pier Damiani nel Quadro della sua ecclesiologia Primaziale," *Archivum Historiae Pontificiae* 10 (1972), 25–105.
- Fournier, Paul. "La collezione canonica del Regesto di Farfa," *Archivio della R. Società Romana di Storia Patria* 17 (1894), 285–301.
- . "Le Premier Manuel Canonique de la Réforme du XI^e Siècle," *Mélanges d'archéologie et d'histoire* 14 (1894), 147–223; 285–290.
- Fraschetti, Cesare. *I Cenci: Storia e Documenti dalle Origini al Secolo XVII*. Rome, 1935.
- Fuhrmann, Horst. *Germany in the High Middle Ages: 1050–1200*, tr. Timothy Reuter. Cambridge, New York, Port Chester, Melbourne, Sydney, 1986, repr. 1989.
- Galletti, P. L. *Capena*. Rome, 1756.
- Ganzer, Klaus. *Die Entwicklung des Auswärtigen Kardinalats im Hohen Mittelalter: Ein Beitrag zur Geschichte des Kardinalkollegiums vom 11. bis 13. Jahrhundert*. Munich, 1965.
- Ghini, Giuseppina. "Le Terme Alessandrine nel Campo Marzio," *Accademia Nazionale dei Lincei*, ser. misc. 3, pt. 4 (Rome, 1988), 120–177.
- Gilchrist, John. *The Collection in Seventy-Four Titles: A Canon Law Manual of the Gregorian Reform*. Toronto, 1980.
- Giorgi, Ignazio. "Appunti intorno ad alcuni manoscritti del *Liber Pontificalis*," *Archivio della R. Società Romana di Storia Patria* 20 (1987), 247–312.
- Grauert, Hermann. "Das Dekret Nikolaus II. von 1059," *Historisches Jahrbuch* 1 (1880), 502–602.
- Gregorovius, Ferdinand. *History of the City of Rome in the Middle Ages*. tr. from the 4th German ed. by Mrs. Gustavus W. Hamilton, 2nd ed. revised. London, 1903.

- . *Storia della Città di Roma nel Medio Evo* 2, 3rd ed. Rome, 1912.
- Grundmann, H. "Eine neue Interpretation des Papstwahldekrets von 1059," *Deutsches Archiv für Erforschung des Mittelalters* 25 (1969), 234–236.
- Guiraud, J. "La Badia di Farfa alla Fine del Secolo Decimoterzo," *Archivio della R. Società Romana di Storia Patria* 15 (1892), 275–288.
- Haller, Johannes. *Das Papsttum: Idee und Wirklichkeit*, 5 vols. Munich, 1950–1953, repr. 1965.
- Hefele, Charles-Joseph. *Histoire des Conciles d'après les documents originaux*, new trans. & notes by H. Leclercq. Paris, 1912.
- Heinzelmann, Karl. *Die Farfenser Streitschriften*. Strassburg, 1904.
- Hirschfeld, Theodor. "Das Gerichtswesen der Stadt Rom vom 8. bis 12. Jahrhundert," *Archiv für Urkundenforschung* 4 (1912), 419–562.
- Hubert, Étienne. *Espace Urbain et Habitat à Rome du X^e Siècle à la Fin du XIII^e Siècle*. Rome, 1990.
- Hüls, Rudolf. *Kardinäle, Klerus, und Kirchen Roms 1049–1130*, vol. 48 of Bibliothek des deutschen historischen Instituts in Rome. Tübingen, 1977.
- Jasper, Detlev. *Das Papstwahldekret von 1059: Überlieferung und Textgestalt*. Sigmaringen, 1986.
- Kehr, Paul. "Due Documenti Pontifici illustrati: La Storia di Roma negli ultimi anni del Secolo XI," *Archivio della R. Società Romana di Storia Patria* 23 (1900), 277–283.
- . "Urkunden zur Geschichte von Farfa," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 9 (1906), 170–184.
- Kempf, Friedrich. "Petrus Damiani und das Papstwahldekret von 1059," *Archivum Historiae Pontificiae* 2 (1964), 73–89.
- Kölmel, W. *Rom und der Kirchenstaat im 10. und 11. Jahrhundert bis in die Anfänge der Reform*. Berlin, 1935.
- Kölzer, Theo. "Codex libertatis. Überlegungen zur Funktion des 'Regestum Farfense' und anderer Kloster chartulare," *Atti del Congresso internazionale di studi sull'alto medioevo*. Centro Italiano di Studi sull'alto medioevo. Spoleto, 1983.
- Krause, Hans-Georg. "Die Bedeutung des neuentdeckten handschriftlichen Überlieferung des Papstwahldekret von 1059: Bemerkungen zu einem neuen Buch," *Zeitschrift der Savigny Stiftung für Rechtsgeschichte* KA 107 (1990), 89–134.
- . *Das Papstwahldekret von 1059 und seine Rolle im Investiturstreit*. *Studi Gregoriani* 7 (1960).
- Krause, Hermann. "Dauer und Vergänglichkeit im mittelalterlichen Rechts," *Zeitschrift der Savigny Stiftung für Rechtsgeschichte* GA 75 (1958), 206–251.
- Krautheimer, Richard. *Rome: Profile of a City, 312–1308*. Princeton, 1980.
- Kurze, Wilhelm. "Zur Kopiertätigkeit Gregors von Catino," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 53 (1973), 407–456.
- Leggio, Tersilio. "Forme di insediamento in Sabina e nel Reatino nel medioevo. Alcune considerazioni," *Bullettino dell'Istituto storico italiano per il Medio Evo e Archivio muratoriano* 95 (1989), 165–201.
- . "Momenti della riforma cistercense nella Sabina e nel Reatino tra XII e XIII secolo," *Rivista storica del Lazio* 2 (1994), 17–61.

- Lori Sanfilippo, Isa. "I possessi romani di Farfa, Montecassino e Subiaco, secoli IX–XII," *Archivio della Società Romana di Storia Patria* 103 (1980), 13–39.
- McClendon, Charles B. *The Imperial Abbey of Farfa: Architectural Currents of the Early Middle Ages*. New Haven, London, 1987.
- Maggi, Maria Teresa. "I possessi dell'Abbazia di Farfa in Umbria nei secoli VIII–XII," *Bollettino della Deputazione di Storia Patria per l'Umbria* 91 (1994), 47–86.
- . "Studi Farfense," *Rivista di Storia della Chiesa in Italia* 47 (1993), 559–569.
- Manselli, R. "De la Rome impériale à la Rome papale: l'évolution et la transformation du Champ de Mars," *Le Palais Farnèse* 1, pt. 1, pp. 37–61. Rome, 1981.
- . "Dalla cella farfense a San Luigi de' Francesi: storia di un angolo di Rome," *Les Fondations nationales dans la Rome Pontificale* (Colloque École française de Rome-Académie de France à Rome, mai 1978). (Collection de l'EFR 52), pp. 75–81. Rome, 1981.
- Meier-Welker, H. "Die Simonie im frühen Mittelalter," *Zeitschrift für Kirchengeschichte* 64 (1952/53).
- Meyer von Knonau, Gerold. *Jahrbücher des deutschen Reiches unter Heinrich IV. und Heinrich V.*, 7 vols. Berlin, 1890. repr. 1964.
- Michel, Anton. *Papstwahl und Königsrecht oder Das Papstwahl-Konkordat von 1059*. Munich, 1936.
- Miller, Maureen, C. *The Formation of a Medieval Church: Ecclesiastical Change in Verona, 950–1150*. London, Ithaca, 1993.
- Mirbt, Carl. *Die Wahl Gregors VII.* Marburg, 1892.
- Mirzio, P. D. Cherubino. *Cronaca Sublacense*. Rome, 1885.
- Mordek, Hubert. "Proprie auctoritates apostolice sedis: Ein zweiter Dictatus papae Gregors VII.?" *Deutsches Archiv für Erforschung des Mittelalters* 28 (1972), 105–132.
- Morghen, Raffaello. "Le Relazioni del Monastero Sublacense col Papato, la Feudalità et il Comune nell'alto Medio Evo," *Archivio della R. Società Romana di Storia Patria* 51 (1928), 181–253.
- Morrison, Karl F. *Tradition and Authority in the Western Church 300–1140*. Princeton, 1969.
- Moscato, Laura. *Alle Origini del Comune Romano: Economia Società Istituzione*, Quaderni di Clio 1. Naples, 1980.
- Il Muratori. Raccolta di documenti storici inediti o rari tratti dagli archivi italiani pubblici e privati*, 3 vols. in one. Rome, 1892–1895.
- Noble, Thomas X. *The Republic of St. Peter: The Birth of the Papal State, 680–825*. Philadelphia, 1984.
- Palmieri, G. "Serie degli Abbati di Farfa," passim of *Il Muratori. Raccolta di documenti storici inediti o rari tratti dagli archivi italiani pubblici e privati*, 3 vols. in one. Rome, 1892–1895.
- Palumbo, Pier Fausto. *Lo Scisma del MCXXX*. Rome, 1942.
- Partner, Peter. *The Lands of St. Peter: The Papal State in the Middle Ages and the Early Renaissance*. Berkeley, Los Angeles, 1972.
- Pennington, Kenneth. "Innocent III and the Divine Authority of the Pope," *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries, The Middle Ages*.

- Philadelphia, 1984, repr. *Popes, Canonists and Texts, 1150–1550* (Variorum, 1993) III, pp. 1–32.
- . *The Prince and the Law, 1200–1600: Sovereignty and Rights in the Western Legal Tradition*. Berkeley, Los Angeles, Oxford, 1993.
- Petersohn, Jürgen. “Der Brief der Römer an König Lothar III. vom Jahre 1130,” *Deutsches Archiv für Erforschung des Mittelalters* (1994), 461–507.
- Platina di Bartolomeo. *Historia Platinae de vitis Pontificum Romanorum*; notes by Panvinus & Antonio Cicarelli. Venice, 1613; notes by Panvinus & Agripp. Venice, 1626; notes by Panvinus et al. 1. Venice, 1730.
- Radding, Charles. “Vatican Latin 1406, Mommsen’s Ms. S, and the Reception of the Digest in the Middle Ages,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte RA* 110 (1993), 501–551.
- Robinson, I. S. *The Papacy 1073–1198: Continuity and Innovation*. Cambridge, New York, 1990.
- Ryan, Joseph J. *Saint Peter Damian and his Canonical Sources*. Toronto, 1956.
- Sacchi Lodispoto, C. “Il Castello di S. Severa nel Medioevo” in *Fatti e Figure del Lazio medievale*. Rome, 1975.
- Sägmüller, Johannes B. “Ein angebliches Papstwahldekret Innocenz’ II. 1139,” *Theologische Quartalschrift* 84 (1902), 364–387.
- Scheffer-Boichorst, Paul. *Die Neuordnung der Papstwahl durch Nicolaus II.* Strassburg, 1879.
- Schieffer, Rudolf. “Rechtstexte des Reformpapsttums und ihre zeitgenössische Resonanz,” pp. 51–69 of *Überlieferung und Geltung normativer Texte des frühen und hohen Mittelalters*, ed. Hubert Moredek, vol. 4 of *Quellen und Forschungen zum Recht im Mittelalter*. Sigmaringen, 1986.
- Schimmelpfennig, Bernhard. *The Papacy*. New York, Oxford, 1992.
- Schmale, Franz-Josef. *Studien zum Schisma des Jahres 1130*. Cologne, Graz, 1961.
- Schmidt, Tilmann. *Alexander II. (1061–1073) und die römische Reformgruppe seiner Zeit*, vol. 11 of *Päpste und Papsttum*. Stuttgart, 1977.
- Schuster, Ildefonso. *La Basilica e il monastero di S. Paolo fuori le Mura*. Turin, 1929, repr. 1987.
- . *L’Imperiale Abbazia di Farfa: Contributo allo studio del ducato romano nel M. Evo*. Rome, 1921 repr. 1987.
- . “Il monastero del Salvatore e gli antichi possedimenti farfense nella Massa Torana,” *Archivio della Società Romana di Storia Patria* 41 (1918), 5–58.
- Schwarzmeier, Hansmartin. “Der Liber Vitae von Subiaco: Die Klöster Farfa und Subiaco in ihrer geistigen und politische Umwelt während der letzten Jahrzehnte des 11. Jahrhunderts,” *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 48 (1968), 80–147.
- . “Zur Familie Viktors IV. in der Sabina,” *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 48 (1968), 64–79.
- Semmler, Josef. “Traditio und Königsschutz: Studien zur Geschichte der königlichen Monasteria,” *Zeitschrift der Savigny Stiftung für Rechtsgeschichte KA* 45 (1959), 1–33.
- Sergio, G. “Lo Sviluppo signorile e l’inquadramento feudale,” *La Storia. Il Medioevale* 2. Turin, 1993.

- Servatius, Carlo. *Paschalis II. (1099–1118)*, vol. 14 of *Päpste und Papsttum*. Stuttgart, 1979.
- Silvestrelli, Giulio. *Città, Castelli e Terre della Regione Romana*, 2nd ed., pref. Pietro Fedele. 2 vols. Rome, 1940.
- Somerville, Robert. "Cardinal Stephen of St. Grisogono: Some Remarks on the Legates and the Legatine Councils in the Eleventh Century," pp. 157–166 of *Law, Church, and Society: Essays in Honor of Stephen Kuttner*, ed. Kenneth Pennington & Robert Somerville. Philadelphia, 1977.
- Sperandio, F. P. *Sabina sacra e profana, antica e moderna*. Rome, 1790, repr. 1971.
- Stoller, Michael. "Eight Anti-Gregorian Councils," *Annuaire Historiae Conciliorum* 17 (1985), 252–321.
- Stroll, Mary. "Calixtus II: A Reinterpretation of his Election and the End of the Investiture Contest," *Studies in Medieval and Renaissance History* 3 (1980), 3–53.
- . *The Jewish Pope: Ideology and Politics in the Papal Schism of 1130*. Leiden, 1987.
- . "New Perspectives on the Struggle between Guy of Vienne and Henry V," *Archivum Historiae Pontificiae* 18 (1980), 97–115.
- . *Symbols as Power: The Papacy following the Investiture Contest*. Leiden, 1991.
- Stürner, Wolfgang. "Der Königspapstwahldekret von 1059," *Studi Gregoriani* 9 (1972), 37–52.
- . "Das Papstwahldekret von 1059 und die Wahl Nikolaus' II.," *Zeitschrift der Savigny Stiftung für Rechtsgeschichte* KA 59 (1973), 417–419.
- . "Das Papstwahldekret von 1059 und seine Verfälschung: Gedanken zu einem neuen Buch," MGH Schriften, vol. 33, pt. 2 *Fälschungen im Mittelalter*. Hannover, 1988.
- . "'Salvo debito honore et reverentia.' Der Königspapstwahldekret von 1059," *Zeitschrift der Savigny Stiftung für Rechtsgeschichte* KA 54 (1968), 1–56.
- Tappi-Cesarini, Anselmo. "Note sul reclutamento del 'Conventus Pharphensis' dal 1048–1567," *Benedictina* 3 (1949), 307–330.
- Tillmann, Helene. "Ricerche sull'origine dei membri del collegio cardinalizio nel XII secolo. II/1: Identificazione dei cardinali del secolo XII di provenienza romana," *Rivista di Storia della Chiesa in Italia* 26 (1972), 313–353.
- Toubert, Pierre. *Les Structures du Latium Médiéval: Le Latium méridional et la Sabine du IX^e siècle à la fin du XIII^e siècle*, 2 vols. Rome, 1973.
- Trifone, Basilio. "Le Carte del monastero di San Paolo di Roma dal secolo XI al XV," *Archivum della R. Società Romana di Storia Patria* 31 (1908), 267–313.
- Thumser, Matthias. *Rom und der römische Adel in der späten Stauferzeit*; vol. 81 of *Bibliothek des Deutschen Historischen Instituts in Rom*. Tübingen, 1995.
- Ullmann, Walter. *The Growth of Papal Government in the Middle Ages*. London, 1955, repr. 1965.
- . *Medieval Papalism: The Political Theories of the Medieval Canonists*. London, 1949.
- Vehse, Otto. "Die päpstliche Herrschaft in der Sabina," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 21 (1929–1930), 120–175.
- Waitz, Georg. "Über das Decret des Papes Nicolas II. über die Papstwahl," *Forschungen zur deutschen Geschichte* 4 (1864), 105–119.

- Willi, Cornelius. "Über die Fälschung des Decrets Papst Nicolaus II. über die Papstwahl," *Forschungen zur deutschen Geschichte* 4 (1864), 537–550.
- Wollasch, Joachim. "Die Wahl des Papstes Nikolaus II.," pp. 54–73 of *Il Monachismo et la Riforma Ecclesiastica (1049–1122)*. Milan, 1971.
- Zenker, Barbara. *Die Mitglieder des Kardinalkollegiums von 1130 bis 1159*. Würzburg, 1964.
- Zielinski, Herbert. "Gregor von Catino und das Regestum Farfense," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 55/56 (1976), 361–404.
- . *Studien zu den spoletinischen "Privaturkunden" des 8. Jahrhunderts und ihrer Überlieferung im Regestum Farfense* (Bibliothek des deutschen historischen Instituts in Rom 39). Tübingen, 1972.
- Zöpffel, Richard. *Die Papstwahlen und die mit ihnen im nächsten Zusammenhange stehenden Ceremonien in ihrer Entwicklung vom 11. bis zum 14. Jahrhundert*. Göttingen, 1872.

INDEX

- 1111, events of, 4, 87, 142–143, 209, 261–262, 276
Orthodoxa defensio imperialis as defense of Farfa's actions in, 221; reaction of Guy, archbishop of Vienne, 224
 1130–1138, Papal Schism of, 250–255
 769, decree of *see also* papal electoral decree of 769, 169, 172
- Acutiano (Acuziano), Mount, 17, 71, 254
- Adenulf I, abbot of Farfa
 acts on international scene, 251–255; appointed as cardinal bishop, 251; attempts to establish Cistercian cell at Farfa, 252–254; bull of, 265; candidate for abbot, 242–243; close ties with Bernard of Clairvaux, 252–255; death in 1144, 254; election, 247–249; son of Count Rainald, son of Senebaldo, 241–242; Rainald loyal to emperor, 108, 243, 247; upheavals in papal schism of 1130–1138, 250–251: supports Innocent II, 251–255
- Adenulf II, succession of, 266
- Adrian IV *see also* Nicholas Breakspear; conflict over patronage of Farfa with Frederick I, 257–264; crowns Frederick I, June 1, 1155, 261; death in 1159, 264; travels with Frederick I to Farfa, 261–262
- Affile, castle of, 86
- Agnes, empress, 84–85, 171–172, 195, 230
- Airardo (Einardus), bishop of Nantes, 38
- Alberic II, 25, 26, 75, 76 n. 6, 78
- Alberto, son of Cencius, 92
- Albertus Stephani, accused of offering bribes on behalf of Paschal II, 138
- Albinus, 140
- Alexander II, election of, 179–184; good relations with Farfa, 63; grants rights over Minione to Farfa, 46; promotes Johannes as abbot of Subiaco, 82; schism with Cadalus in 1061, 168
- Alexander III *see also* Roland, confirms Farfa's privileges, 266; decree of Third Lateran Council in 1179, 205; election, 264; schism with Victor IV, 179
- alienations of property, nullification by Frederick I, 258–260
- Almerico, abbot of Farfa, 28
- Anaclet II, accusations against Farfa, 250–251; confirms privileges of San Paolo fuori le mura, 251; election, 167 n. 3, 201, 250; recognition of Farfa's possessions, 269
- Anastasius, prior of S. Paolo fuori le mura, 99
- Anastasius IV, 257, 260
- Ancona, March of, 30, 31, 229
- Annales Allahenses*, 171 n. 16
- Annales Camaldulenses*, 129
- Annales Romani*, 170
- Anno, archbishop of Cologne, 172 n. 16, 183, 187 n. 30, 188 n. 33
- Anselm, bishop of Lucca (Alexander II), 171, 182, 184 n. 16
- Anticoli, castle of, 83–84
- Antonini, Mount, 87
- appurtenances, secular, 211
- arch of Titus, 34
- Archangelus de Alexandris, 243, 259, 262, 265
- Arci, castle & fortress, 50 n. 5, 77
- Ardea, castle of, 2
- Arnold of Brescia, 260
- Arnold, archbishop of Cologne, 261
- Ascarchi *see* Ascari
- Ascari, 5, 72, 73, 135, 229
- Ascoli & Fermo, monastery of, 272
- Ascoli, bishopric of, 267
- Aspra, lords of, 51
- Augsburg, council at, 185
- Augustine, St., 58
- Azarelo, 92
- Azzo, abbot on Aventine, 42
- Azzone, 230 n. 15
- Baccaricia, castle of, 99
- Baruch, grandfather of Petrus Leonis, 99; takes name of Benedictus Christianus, 171

- Basle, council of, 181
 Beatrice of Tuscany, marchesa, 170, 195
 Bellincio, judge in second tribunal, 129–131, 139
 Bellincione, 129
 Benedict VIII, 76–77
 Benedict X, 169 *see also* Velletri, bishop of, capitulation of, 173; election, 150–151, 157–158, 170 n. 11; installation as pope, 171
 Benedict, founder of monastery of Ss. Cosma e Damiano, 41 *see also* Campaninus
 Benedict, nephew of John XIII, 76
 Benedictine Rule, 234, 254–255
 Benedictus, prefect of Rome, 199
 Benevento, 1087 synod of, 175, 198
 Beno, cardinal priest of Ss. Martino et Silvestro, 183, 192
 Berald III, abbot of Farfa, death, 223, 229, 230; election, 5, 72; enconium of Gregory of Catino, 229; as energetic abbot, 72–74; excommunication, 226; hostility with Paschal II, 141–144, 209, 224–226; legacy, 230–232; member of Ascareli (Ascari), 5, 72–73; trial with Ottaviani: diplomacy and conflict preceding arbitration, 95–97; motivation for actions, 134–141; sides with Henry V against Paschal II, 224–226
 Berard I, abbot of Farfa, death, 68; dispute with Lupo over S. Pietro, 45; election, 28–29; expansion of Farfa's property, 35; grants property to nobles, 92; presence at hearing of Ss. Cosma e Damiano vs Farfa in 1073, 43, 45; relationship with Henry IV, 63, 65–66, 139; relationship with Nicholas II, 3 n. 7, 48–62
 Berard II, abbot of Farfa, authorizes *Regestum*, 8, 70; death, 72; dream of his depravity, 70–71; plans to rebuild abbey, 71; as profligate abbot, 68–72, 80, 135
 Berard IV, abbot of Farfa, 5, 236, 241; election, 238; excommunication, 244–245
 Berard V, abbot of Farfa, deposition of, 258; reign of, 259–260
 Berardus de Archidiacono Ortano, 131
 Berardus of Rieti, 272
 Bernard of Clairvaux, Saint, 167 n. 3, 201, 202, 252, 254–255, 274
 Bernard of Pisa (Eugenius III) *see also* Eugenius III; tried to establish Cistercian cell at Farfa (Scandriglia), 252–255
 Bernold of Constance, 60
 Bertha, daughter of Henry V, 226
 Bertrahimo, 88
 Bologna, law school, 101, 125, 228
 Boniface V, 117
 Bonifacio, Duke, 43
 Boso, 169–170, 201
 Brixen, council of, 182, 193 n. 50
 Bucciniano, castle of, 77, 263
 Cadalus, bishop of Parma (Honorius II, 1061–1072), 42–43, 168, 179–184
 Calixtus II *see also* Guy, archbishop of Vienne, arrives at Farfa with huge army in 1121, 243–244; Concordat of Worms, 5, 56: changes status of imperial monasteries in Italy, 244; death brings change of policy over Farfa, 247; election at Cluny, 200–201, 228–229; excommunicates Berald III, Johannes Maledictus, Gregory VIII, & Henry IV at Council of Reims, 89, 229; excommunicates Berard IV in Lateran Council of 1123, 244; family, 224; objectives with Farfa, 232, 240, 246–247; rigid Gregorian as archbishop Guy of Vienne, 224–225; treatment of Farfa, 3, 6, 246–247
 Camaldoli, 129 n. 37
 Camerata, fortress of, 84
 Camerino, 136
 Caminata, castle of, 80
 Campagna, 83–88
 Campaninus, 41 *see also* Benedict, founder of Ss. Cosma e Damiano
 Campo, abbot of Farfa, 26, 41
 Campo Marzio, 32
 canon law, 57, 125; collection in *Regestum*, 9–10, 60–62
 cardinal bishops, 155–156, 174–178; first use of title, 169; role in papal elections, 199–203, 208
 Carolingians, 1, 24
 Castel San Angelo, 97, 99
 castelains, 5

- castrum de Lauro *see* Montasola,
castle of
- Cava dei Tirreni, abbey of, 265
- Celestine II, 204
- Celestine III, 266, 267
- cella Sanctae Mariae Farfensis, Rome, 32
- Cenci, family, 98; Tebaldo, 97–101
see also Tebaldo, son of Cencius
Stephani
- Cencius, papal *camerarius*, author of
Liber Censuum, 140
- Cencius Iohannis Madelmi, represented
Oddo, second tribunal, 131
- Cencius Stephani, 98
- Charlemagne, 41, 116, 140
- Chrisostomus, Iohannes, 211
- Chronicon Farfense*, 10, 49 n. 3;
Hildebrand's signature to papal
electoral decree in, 206; possible
source of *Liber Beraldi*, 220; trials of
Farfa & Ottaviani, 92–95, 109–111,
118; version of papal electoral
decree, 145–146, 163–176
- Chronicon* of Montecassino, 160, 162
- Chronicon S. Sophiae*, 62
- Chronicon Sacri ac Regalis Monasterii
Farfensis*, Archangelus de Alexandris,
259
- Chronicon Sublacense*, 83
- Cistercians, 252–253, 274
- Civitavecchia, 40, 47, 66
- Clement III *see* Guibert of Ravenna
- Cluny, Burgundian monastery, 2;
abbots, 274; customs, 27, 255, 265;
rites, 69
- Codice Casanatense 2010, 9 n. 20
- Colle de Nera (Collis de Nera), 92,
94, 130, 141, 235–236 *see also*
Paccianum
- Collectio Canonum Farfensis*, 60, 62, 70
- Collection in Seventy-Four Titles*, 57,
60–61, 62 n. 52
- comital rights, 93, 95
- Comites Campaniae, 25
- Commentarius electionis*, Gregory VII,
194
- Concordat of Benevento of 1156, 260
- Concordat of Worms, imperial
monasteries, 5; included in *Liber
Beraldi*, 112; fate of Farfa, 223–276;
signing of, 244
- Conrad II, 27, 77–78
- Conrad III, 254
- Conrad, bishop of Sabina, 269
- Conrad, cardinal priest of
S. Pudenziano, 248
- Corcolle, cardinals imprisoned in, 1111,
143
- Corneto, 39, 40, 43, 45
- Correse, castle of, 91 n. 1
- Corsi, Stefano, 38
- council of 1059, 156, 165, 166 n. 1
see also papal electoral decree of
1059
- Crescentii *see also* Ottaviani; origins of
Ottaviani, 75–78; property, 34;
relations with Farfa, 35, 52–53
- Crescentio, Iohannes de, appearance at
1060 tribunal, 54
- Crescentius, cardinal bishop of Sabina,
100
- Crescentius, head of Crescenti family,
33–34
- Crescentius, 1014, complaint of Farfa, 77
- Crescentius, brother of Iohannes
Oddonis, 52, 78–79
- Crescentius, Iohannes, as *patricius*,
powerful after death of Otto III,
37–38, 76
- Dagobert, 26
- Damiani, Petrus, 167 n. 3, 174;
Disceptatio Synodalis, attitude toward
papal electoral decree, 184–190
- De discordia papae et regis*, (*De papatu
Romano*), 175
- De honore ecclesie*, 210
- De origine Cardinalium*, Panvinus,
154–157
- De varia pontificis Romani creatione*,
Panvinus, 154, 157–164, 167, 168,
175–176, 179–180
- Decretum*, Gratian, on papal authority,
58–59; papal electoral decree of
1059, 159
- Dentulum, Farulfum, 54
- Desiderius, abbot of Montecassino,
(Victor III) *see also* Victor III,
accompanies Hildebrand to Subiaco,
82; attends council, Rome, April
1059, 52; debate with bishop of
Ostia over papal electoral decree,
160–162, 166; election to papacy
as Victor III, 66, 85, 196–198;
meets Nicholas II at Farfa, 51–52;
relationship with Gregory VII,
192–193; signer of papal electoral
decree, 162

- Deusdedit, 111–112, 115 n. 33, 126, 151, 175
Dictatus Papae, 58
Disceptatio synodalis, Petrus Damiani, 176, 184–190, 202
 Donadeo, brother of Gregory of Catino, 7, 107 n. 5
 Donadeo di Bonomo, 80
 Donation of Constantine, discussion in *Liber Beraldi*, 11; in trial between Farfa and Ottaviani, 114, 122, 124, 134, 139, 275; treatment in *Orthodoxa defensio imperialis*, 212–213, 222–223
 Donation of Pepin, 17–18, 140
 durability of law, 56–62; Bernold of Constance, 60; *de scismate Hildebrandi*, 59; Deusdedit, 112, 126; *Disputatio vel Defensio Paschalis Papae*, 59; Huguccio, 59–60, 125–126; as issue in trial between Farfa and Ottaviani, 117, 121–126, 139; Justinian, 44, 58, 59; opinions in twelfth century, 56–62; position of Gregory of Catino, 59, 60

 Eberhard, bishop of Bamberg, 261
Ecclesia Romana, 179
 ecclesiastical privilege, perpetual validity, 121
 ecclesiastical reform, 48, 208, 210; events of 1111, 4, 87; investitures, 4–5, 87, 211–213; objectives, 14
 Einardus *see* Airardo
 Ekkehard of Aura, 137–138
 episcopal electoral decree of Leo I, 177, 179
 Eugenius III (Bernard of Pisa) *see also* Bernard of Pisa, consecration at Farfa, 256; election, 256; explicit papal patronage, 257; sided with Farfa in jurisdictional disputes with bishops, 256–257
 Euticio, Saint, founder of Norcia, 73

 Farfa, and Cluny, 2, 26; decline, 232–239, 271–273; dispute with bishop of Sabina, 268–269; and ecclesiastical reform, 14; end of imperial patronage, 267–273; fortunes improve with Adenulf, 247–255; Frederick I tries to revive imperial patronage, 257–267; history, 17–29; hostility with Paschal II, 141–144, 209–210; hostility as impetus for *Orthodoxa defensio imperialis*, 209–223; as imperial monastery, 14, 232, and *passim*; liberties and immunities, 2–3, 18–19, 21, 24, 54–56, 63, 94, 111, 112, 112, 116, 139, 210, 226; as local power, 13–15, 30–47; loses imperial patronage, 240–255; recognizes Clement III, 66; source for papal electoral decree of 1059, 145–178, 207–208; sources, 7–14, 257 n. 2; trial with Ottaviani, 11, 14–15, 88–144; wealth at death of Berald III, 230–232
 Faroaldus II, duke of Spoleto, 17
 Fermo & Ascoli, monastery of, 272
 Filippo, son of Ildemondo, 86
 Flaianum, castle of, 99
 Floreffe, Praemonstratensian monastery, ms. of papal electoral decree, 162 n. 30
 fodrum, 258, 263
 Foranum (Furanum), 92, 94, 125, 126, 128, 130, 141, 235–236
 Frangipani, 34, 141, 201, 226–227
 Frankish kingdom, 18–19
Fratris Berardi monachi et abbatis monasterii Farfensis liber *see* *Liber Beraldi*
 Frederick I *see* Frederick Barbarossa
 Frederick Barbarossa, (Frederick I), attempts to reinstate imperial patronage of Farfa, 258–267; carries out justice, 262; collects fodrum, 258–259; death in 1190 ends pretense of imperial patronage, 267; diploma of 1159, 266; and Farfa, 6, 15, 256–267; imperial legates at Farfa, 264–265; invests Rusticus as abbot, 258, 260; supports Ottaviani and Victor IV, 263–264; travels with Adrian IV to Farfa, 261–262
 Frederick II, 271, 276
 Frederick, son of Margrave Werner, forces monks to accept Guido as abbot, 233
fyrgium, 231
 Fugger, Johann Jacob von, Baron, 157
 Furanum *see* Foranum

 Galeria, fortress of, 173
 Gelasius II, death in Cluny, 228; elected pope, 200–201, 227; flight from Henry V, 2

- Gentile I, abbot of Farfa, 268–269, 271
- Gerald II, count of Galeria, 31
- Gerard, bishop of Florence (Nicholas II) *see* Nicholas II
- Gesfredus, morator Reatinæ urbis, 131
- Gilchrist, John, 57
- Giovanni di Masso, 80
- Giovannipoli, 6, 38
- Giselbertus Tusculanus, signature to papal electoral decree, 164
- Godfrey, Duke of Lotharingia, 157, 170, 172
- Godfried, brother of cardinal Octavian, 263, 266
- Gratian, author of *Decretum*, 58, 59, 155, 162, 167 n. 3
- Grauert, Hermann, 145 n. 2
- Gregorians, 197–198
- Gregorovius, 174
- Gregory I, (the Great), 61, 117, 123, 124
- Gregory V, 36
- Gregory VI, 48, 61
- Gregory VII (Hildebrand) *see also* Hildebrand, abduction in 1075, 98; conflict with Henry IV, 39, 64, 211; election, 190–195; expanded authority of papacy, 64; favored Farfa, 3, 63; Norman allies, 66; and *Orthodoxa defensio imperialis*, 13; papal electoral decree, 168; relations with Johannes, abbot of Subiaco, 82–85; and San Paolo fuori le mura, 6, 38–39, 65
- Gregory VIII (Burdinus), 227–229
- Gregory IX, 271
- Gregory of Catino, archivist of Farfa, author, 7–13; deals with excesses of Berard II, 70–72; description and analysis of trial, 88–144; on durability of law, 60; Farfa's dispute with Ss. Cosma e Damiano, 40–41; involvement in chaos following election of Guido, 240–247; involvement in trial with Ottaviani, 101, 105; life, 7; on papal electoral decree, 146, 209; praise of Berard III, 73–74, 229; works, 7–13 *see also* individual works by title
- Guibert (Wibert) of Ravenna (Clement III), death, 91; election, 66; good relations with Tebaldo, 98–99; legality of election, 198, 202; opposition to Benedict X, 172; relations with Farfa, 3, 64–65, 68
- Guido III, abbot of Farfa, abdication, 247–248; election, 233; competition with Berard IV, 234–238, 241–244, 247; competition with Rainald, 233–238; humble origins, 5, 232; restores proprietary charters, 141; seeks papal patronage, 240, 243; significance of class, 232, 237; as tyrant, 237–238, 245–248
- Guido, bishop of Ferrara, author of *De scismate Hildebrandi*, 59
- Guido, cardinal of Santa Pudenziana, murder of, 260
- Guido, count of Blandrate, legate of Frederick I, 264
- Guiscard, Robert, 66, 173
- Guy, archbishop of Vienne (Calixtus II) *see* Calixtus II
- Henry II, 27, 77–78
- Henry III, exercised rights of investiture, 4; invocation of prior assent to papal candidates, 180; as *patricius romanus*, 180, 186 n. 23; support of Farfa, 3 n. 6, 27–28, 35, 43
- Henry IV, appoints Berard II, 68–69; and Clement III (Guibert), 3, 66, 172; confirmations of Farfa's property and rights, 46–47, 63, 67–68, 139; conflict with Gregory VII (Hildebrand), 39, 64–65, 211; rights as *patricius*, 180–181, 185; tribunal at Rieti, 66; visit of Hildebrand before election of Nicholas II, 170–173
- Henry V, actions defended in *Orthodoxa defensio imperialis*, 210–220; Concordat of Worms, 5, 56, 244; confirmations of rights and property of Farfa, 51, 230, 232; council of 1118 electing Gregory VIII (Burdinus), 227–228; crowned by archbishop Maurice of Braga, 226; events of 1111, 4, 142–144, 209–210, 224–225, 276; excommunication of, 229; frigium, 231–232; and imperial monasteries, 5; intervenes in disputed election at Farfa in 1119, 233–238; mediated dispute between Paschal and nobles in 1116, 225–226; relinquishes

- imperial patronage over Farfa, 244;
supports Berard IV, 234–238,
241–244
- Heribert, chaplain to Frederick I, 258,
263, 266
- Hildebrand *see also* Gregory VII,
dispute of Farfa and Ss. Cosma e
Damiano, 44–45, 58, 63 n. 2; holds
election of Nicholas II in Siena,
169–173; papal electoral decree,
168–169; participation in papal
elections, 170–175; proceedings
in Subiaco, 82; promoted to
archdeacon, 158; relations with
Farfa, 6, 14, 51, 54, 55, 63;
signature to papal electoral decree,
161, 205–206
- Honorius II (1124–1130), election of,
200–201; resolves abbatial problems
at Farfa, 247–249
- Honorius III, 271
- Hugh I (Hugo), abbot of Farfa, 26–27,
37, 42, 77, 235; adoption of Cluniac
rites, 69
- Hugh, bishop of Ostia & Velletri, 81
- Hugh, archbishop of Lyons, 197
- Hugo Candidus, cardinal priest of San
Clemente, 180
- Huguccio, decretist, 59–60, 125–126
- Huguccio, son of Petrus Leonis, 108,
134
- Humbert, cardinal bishop of Silva
Candida, 54, 81–82, 169, 208
- Ildemondo, 86–87
- Ilderico, abbot of Farfa, 24 n. 21
- imperial assent, popes ordained by,
113
- incastellamento*, 49–50 & n. 5
- Ingoald, abbot of Farfa, 21–22
- Innocent II, alleged papal electoral
decree of, 150, 203–205; election in
1130, 167 n. 3, 201, 250; electoral
procedures after schism, 204–205;
relieves clergy and laymen of power,
154; response to complaints of
Bernard of Pisa, 253
- Innocent III, confirms Farfa's
possessions, 267–268, 272;
supports Farfa in disputes with
bishops, 268–271
- Investiture Contest, 100, 111
- investitures, rights of kings over,
209–211, 221–222
- Iohannes, son of Benedict, 77
- Irnerius, *iurisperitus*, 228
- Jasper, Detlev, 145 ns. 1, 2, 146,
163 n. 34, 167, 205–206
- Johannes, abbot of Farfa, conflict with
Silvester, abbot of Ss. Cosma &
Damiano, 42
- Johannes, abbot of Subiaco,
brother of Oddo & Ottaviano
see also Ottaviani/Crescentii, 79,
81–88; ally of Paschal II, 100–101;
dispute with Oddo, 83–84; elected
with help of Hildebrand, 82; monk
of Farfa, 81; recognizes Clement III
and is appointed archdeacon, 84, 85
- Johannes, bishop of the Sabina, 269, 270
- Johannes de Azzo, abbot, 81
- Johannes Maledictus, son of Oddo, 89
- Johannes the Grammarian, author of
prologue to *Regestum farfense*, 7
- Johannes, son of Benedict, rector of
the Sabina, 77
- Johannes Oddonis, father of Oddo,
Ottaviano & Johannes, 3 n. 7, 78
- John of Gaeta (Gelasius II), 227
see also Gelasius II
- John, cardinal bishop of Tusculum, 141
- John VII, 17
- John VIII, 6
- John XI, brother of Alberic II, 26
- John XIII, 76
- John XIX, 77
- Jonathan, cardinal deacon of Ss. Cosma
e Damiano, 248–249
- jurisprudence, revival in Bologna,
101–102 n. 39, 228
- Justinian, emperor, 44, 54, 58, 59
- Kinzica, royal property granted to
Farfa by Henry V, 66
- Krause, Hans-George, 145 n. 3, 146,
167, 206
- Landulph of Sancto Paulo, describes
election of Gregory VIII (Burdinus),
227 & n. 10
- Landus de Civitella, 81
- Lateran Council of 1112, 87, 224–225
- Lateran Council of 1123, 244–245
- Lateran Council of 1139, 203
- Lateran Council of 1179, 179, 205
- law, canon *see* canon law
- law, Germanic, 57, 125

- law, Lombardic, 36, 106
law, Roman, 106
laws of Diocletian, 121
Lenten council of 1059, 185, 189,
202–203, 206 *see also* papal electoral
decree of 1059
Leo III, 118
Leo IX, consecrates Humbert, abbot
of Subiaco, 81; influence on
Benedict X, 169; beginning of
reform movement, 3; support of
Farfa, 3, 49, 207 n. 43; transfers
administration of San Paolo fuori le
mura to Hildebrand, 38
Leo, iudex, present for Oddo at end
of trial, 1105, 131
Leo, son of Benedictus Christianus
(father of Petrus Leonis), 99, 171
Liber Beraldi, comparison with *Orthodoxa
defensio imperialis*, 210, 220–223; and
Donation of Constantine, 11,
114–132, 231; Farfa and Ottaviani
as surrogates for empire and papacy,
11, 15, 133–134, 136; origin, 11;
papal electoral decree of 1059, 146;
property dispute between Farfa and
Ottaviani, 11, 14–15; as a tract by
Panvinus, 109; Panvinus transmits
papal electoral decree of 1059,
163–165
Liber Censuum, 140, 151
Liber floriger chartarum coenobii farphensis,
Collectio canonum in, 60; compiled
by Gregory of Catino, 7, 12,
251; reports Lothar's visit to
Rome, 23; privileges to Farfa,
48, 49
*Liber gemniagraphus sive cleronomialis
ecclesiae farfensis* *see* *Regestum farfense*
*Liber Largitorius vel notarius monasterii
pharphensis*, 10
Liber notarius sive emphiteuticus *see* *Liber
Largitorius vel notarius monasterii
pharphensis*
Liber Pontificalis, 142, 169; cardinals as
electors, election of Calixtus II, 201;
description, election of popes, 183,
196, 199, 204; excommunication
of Berald, 226; used in second
tribunal, 118
Liber Vitae, Subiaco, 83
Liprinianum, castle of, 99
Longinus, son of benefactor of Farfa,
230 n. 15
Lothar I, son of Louis the Pious,
constitution of 824, 152; inaccurately
reported to have been crowned
emperor, 118–119; favors to Farfa,
22, 24 n. 21, 51, 125; recrowned by
Paschal I, 823, 22
Lothar III, 251
Louis I, the Pious, 20–21, 41, 119;
confused with Louis II, 124–126,
Ludovicianum, 20
Louis II, 118–119, 125–126
Lucius III, 268, 270
Maggi, Maria Teresa, 30 n. 1, 31
Maginulf (antipope Sylvester IV),
41–42, 115; election, 136;
significance for Farfa, 136–139;
captors of Paschal II sympathetic to,
143
Magliano (Mallianum), 262
Mammolo, Ponte, 209
Mantua, council at, 183, 184 n. 16
Marano, fortress of, 83
March of Ancona *see* Ancona,
March of
Marcilianus, 94, 108, 125, 126, 128
Marozia, mother of Alberic II, 76
Mathilda, Countess of Tuscany, 46,
136, 199
Maurice, archbishop of Braga
(Gregory VIII), 226, 228 *see also*
Gregory VIII
Melfi, Council of, 52; treaty, 51,
55–56, 173
Montasola, castle of, 50, 51
Montecassino, 52; Chronicle, 196,
199 n. 12
Monticelli, 78–79, 256; count of
(Otto), 264
Moricus, abbot of Farfa, 272
Nantes, bishop of *see* Airardo
Nicholas I, 152
Nicholas II, brings selected property
of Sabina under papal control,
49–51; election, 157–158, 169–174,
192; papal electoral decree, 11–12,
14, 120, 145–208; decree as
adumbration of new papal policy,
174, 178; protector of Farfa, 3,
48–62; recognizes Farfa's immunity
from papal authority, 54–55,
123–124, 241; visits Farfa, 51–52,
53–54

- Nicholas Breakspear, cardinal bishop of Albano (Adrian IV), 260
- Norcia, 73
- Normans, alliance with Nicholas II (Treaty of Melfi), 52, 173–174; Concordat of Benevento, June 18, 1156, 260
- Octavian, cardinal priest (Victor IV)
see also Victor IV, 75, 89, 263–264
- Oddo, abbot of Farfa, 72, 230
- Oddo, cardinal bishop of Ostia
see also Urban II, 169; debate with Desiderius over papal electoral decree, 160–162; vetoed as pope, 197
- Oddo, son of Johannes Oddonis, count of the Sabina, 78–80, 89, 134; dispute with his brother, Johannes, abbot of Subiaco, 83–84, 86; present at tribunal in Rieti, 66, 139; property dispute with Farfa, 3 n. 7, 91–97; rector, 1106, 101, 138, 139, 141, 142; first tribunal, San Nicola in Carcere, 97–104; second tribunal, 105–132; significance of tribunals, 133–141; struggle for comital rights, 91–97
- Odemundus, abbot of Ss. Cosma e Damiano, 44–45
- Odilo, abbot of Cluny, assists Hugh I, abbot of Farfa, 27
- Odo, abbot of Cluny, reform of Farfa, 26
- Orthodoxa defensio imperialis*, comparison with *Liber Beraldi*, 220–223; as defense of Farfa's actions in 1111, 13, 15, 209–223; text, 210–220; treatment of Berald III, 4, 276; universal significance, 210, 220–223
- Ottaviani/Crescentii, family *see also* Crescentii and individual members; aggression against Farfa, 52–53, 79, 88–90; family of Johannes Oddonis, 78–88; Frederick I grants Terni to four brothers, 1159, 263–264; Frederick I supports Octavian as Victor IV, 264; in Rome, 27, 33–37, 75–77; in the Sabina, 77–78; trials with Farfa, 11, 14–15, 88–144; tribunal at Rieti, 66
- Ottaviano, son of Johannes Oddonis, count of the Sabina, 78–80; present at tribunal in Rieti, 66, 139; property dispute with Farfa, struggle for comital rights, 3 n. 7, 91–97; torn between allegiance to Farfa and his brother, 94–96; rector, 1106, 101, 138, 139, 141, 142; tribunal, first, 97–104; tribunal, second, 105–132; tribunals, significance, 133–141
- Otto, bishop of Bamberg, 225 n. 5
- Otto I, 26, 42, 152
- Otto II, 42
- Otto III, 26, 33, 36, 42, 117
- Otto of Freising, adduced by Panvinus, 204 n. 31
- Otto of Wittelsbach, count Palatine, 264; decreed Farfa *Regale Monasterium*, 264–265
- Otto Ottaviani, invested with Terni, 263
- Paccianum *see also* Colle de Nera, 125, 126, 128, 130
- Palombara, 78–79, 264
- Pandolfus, abbot of Farfa, 200–201, 266–267
- Panvinus, Onophrius, analysis of papal electoral decree, 150, 153, 154–165; decree of Innocent II on papal elections, 203–205; election of Cadalus (Honorius II), 181–184; election of Victor III, 197; manuscript used for papal electoral decree, 208 n. 46; sources for his works, 158–159, 165, 167–168; transcriber of *Liber Beraldi*, 26, 27, 110–113
- papal elections, imperial confirmation of, in *Defensio imperialis* and *Liber Beraldi*, 221
- papal electoral decree of 769
see also 769, decree of, 151–152
- papal electoral decree of 1059, Nicholas II, analysis of Panvinus, 150, 154–165; argues for version B in *De varia pontificis Romani creatione*, 157–163, 166; *De origine Cardinalium*, 154–157; *Disceptatio synodalis* as evidence, 184–190; *Disceptatio* supports version B, 189–190; discussion of, 145–208, 214; forgery and genuine decree, 12, 144–147, 167–169; opposition of Deusdedit, 151; previous decrees, 151–153; role of cardinal bishops, 167, 174–195; in elections of: Cadalus (Honorius II) and Alexander II, 179–190; Gregory VII, 190–195; Victor III, 196–198;

- Urban II, 198–199; Paschal II, 199–200; Gelasius II, 200; Calixtus II, 200–201; Honorius II, 200–201; Innocent II and Anaclet II, 201–202; role of emperor, 148–149, 153, 159–160, 167; role of laymen, 202–205; signatures, 148, 205–207; of Hildebrand, 148, 158, 174–175, 205–207; sources, 159, 165, 167; version A (“papal”), 147–148, 153, 166–167, 174, 177–178, 202; version A, Hildebrand as possible author of, 159, 168, 181; version B (“imperial”), 148, 153, 157–163, 167–169, 174, 202, 145–153; version B, possibly genuine, 207–208
- Paschal I, 21
- Paschal II, allied with Johannes, abbot of Subiaco, 85–88, 134; death, 227; election of, 198–202; events of 1111, 4, 87, 142–144, 224–225, 276; Lenten Council at Lateran, 1112, 87, 224–225; and Maginulf (Sylvester IV), 136–139, 143; and *Orthodoxa defensio imperialis*, 13, 209–223; relationship with Ottaviani, 100, 209; simony, accused of, 138; and trial between Farfa and Ottaviani, 89–91; turmoil with Farfa, 141–144
- patricius*, office of, 35
- Patrimonium *see* Patrimony, Papal
- Patrimony, Papal, 2, 17–19, 31, 64, 128–129, 260, 264; and Alberic II, 25–26, 75–76; ambitions of Calixtus II, 232, 247; borders of, 51, 88, 116–117; Frederick I tries to establish his authority, 262–263; as issue in trial between Farfa and Ottaviani, 91–92, 117–118, 140; original lands, 140
- Patronage, imperial, 1, 5, 17–29, 47, 48, 144, 232; Charlemagne, 18–20; death-knell, privilege of Urban IV in 1261, 272; end of imperial patronage over Farfa, 244–245; Frederick I attempts to revive patronage over Farfa, 257–267; Henry III, 27–28, 35; intervention of Henry V in contested election of Guido and Berard IV, 233; Lothar I, 22–23; Louis the Pious, 20–21
- Patronage, papal, 1, 144; contested with Frederick I, 257–267; Eugenius III: Farfa under Roman Church, 257; Guido, abbot of Farfa 1121, turns to pope, 239–248; results of change to papal patronage, 249–250
- Pepin the Short, father of Charlemagne, 17 *see also* Donation of Pepin
- Peter, abbot of S. Elia, 37
- Peter, abbot of Subiaco, brother of Ildemondo, 88
- Peter, bishop of Porto, 20, 200–202
- Petrus iudex at Sancta Maria Maiore, on side of Berald in trial, 131
- Petrus, son of Grazo, 94, 108
- Petrus Damiani *see* Damiani, Petrus
- Petrus de Transtybere, side of Berald in second tribunal, 131
- Petrus Leonis, 138, 143, 228, president tribunal, San Nicola in Carcere, 97–104,
- Pierleoni, 34, 97, 99–100, 141, 201
- Pierleoni, Petrus, cardinal, 228 *see also* Anaclet II
- Piscatrice, Benedictus de, side of Oddo in trial, 131
- Placidus of Nonantola, 210
- Pontius, abbot of Cluny, 226
- Ponza, castle of, 86
- Porcile, castle of, 142
- Prae-Regestum*, 8
- prior assent of emperor in papal elections, 180, 185
- property, of Farfa, 30–47; Corneto, 31, 39–45, 66–67; grants in *enfiteusi*, 69–70, 93; in Rome, 32–38; Santa Maria in Minione, 40–46, 65–66; significance in trial with Ottaviani, 135, 140–141; Terme Alessandrine, 32–34
- property rights, of Ottaviani, 102
- Ptolomeus of Tusculum *see* Tolomeo
- Raimburga, lady, daughter of Longinus, 230
- Rainald, abbot of Farfa, Berard I's first successor, 68
- Rainald, abbot of Farfa, successor to Berald III, accommodation with Berard IV, 238; deposition of, 258–259; election, 232–233
- Rainald, count, son of Senebaldo, analysis of judgment in tribunal, 134, 139–140; benevolence to monks after death of Berald, 241; criticism of by

- monks, 242; family of, 106–109;
father of Adenulf I, 242; loyalty to
emperor, 243, 247; presided over
second tribunal, 109–132
- Rainerio, brother of Johannes of
Subiaco, 83
- Rainerius, bishop of Vercelli, invests
Berard I with S. Valentino, 67
- Rainerius Perosinus, on side of Berald
in trial, 131
- Ratfredo, abbot of Farfa, 33, 41
rector, papal, of Sabina, description of
position, 76; end of office, 141
reform movement, 100, 207, 210
- Regestum farfense*, 7–9, 60, 70, 92;
contains diplomas cited in trial,
127; possible tinkering with text,
49 n. 3
- regnum* and *sacerdotium*, 2–7, 14–15,
50, 89, 210, 250; Donation of
Constantine as support for
sacerdotium, 64; Farfa as participant
in contest between, 274–276;
relationship depicted in *Orthodoxa
defensio imperialis*, 210–223; as
reflection of second tribunal, 114
- Reims, Council of, 1119, 89, 229
- Rianum, river, 4
- Rieti, church of the Savior, 140;
tribunal, 66
- Rocca Antica, 50, 51
- Rodilando, count of Roccione, 46, 65
- Roland, papal chancellor
(Alexander III), 258–259, 264
see also Alexander III
- Roman school of law, 102
- Rufinus, decretist, bishop of Assisi, 125
- Rusticus, abbot of Farfa, invested by
Frederick I, 258; ordered to restore
property to Farfa, 265
- Rusticus, son of Count Crescentius,
accord with Berald, 91; expelled
from Farfa, 65; father of Senebaldo,
106–107
- S. Anastasio, 43
- S. Andrea of Monte Soratte, 33
- S. Benedetto de Termis, 33, 36, 273
- S. Benedetto di Polirone, abbey of,
265
- S. Cosimato *see* Ss. Cosma e Damiano
in Mica Aurea
- S. Eustachio, rivalry with Farfa, 6, 31;
trials, 27, 35–38
- S. Luigi dei Francesi *see* Santa Maria
(church of Farfa in *Terme Alessandrine*)
- S. Pellegrino, 43
- S. Salvatore de Termis (S. Blasius), 33,
36, 37, 273
- S. Severa, castle of, 31
- S. Valentino, 67
- S. Vito de Granica, contested between
Farfa and bishop of Sabina, 268
- San Nicola in Carcere, 97, 101
- San Paolo fuori le mura, and Gregory
VII (Hildebrand), 6, 38–39, 65;
property usurped by Tebaldo, 99;
rival of Farfa, 2, 31–32; under papal
influence, 2, 6, 38–39
- San Simone, oratorio of, 37
- Sant'Angelo de Plano, 271
- Sant'Angelo de Tancia, 270
- Santa Maria, original name of Farfa, 17
- Santa Maria, church possessed by
Farfa in *Terme Alessandrine*, later,
S. Luigi dei Francesi, 33, 36
- Santa Maria della Rotonda (Santa
Maria ad Martyres), Maginulf
elected, 136
- Santa Maria in Cosmedin, cardinal
deacon of, 251
- Santa Maria in Domnica, cardinalate
church of Johannes, abbot of
Subiaco, 82
- Santa Maria in Minione, 40–46,
65–66
- Saracens, 40–41
- Sasso, count of Galeria, 40
- Scandriglia, 252, 254, 255
- Scheffer-Boichhorst, Paul, 145 n. 2,
165
- schism, papal, 1130–1138, 196,
203–204, 269
- schism, papal, 1159–1154, 264
- Scorticlari (region of Rome), 32, 33
- Senebaldo (Sinebaldo), Count, son of
Rusticus, 53, 78, 106, 108, 139
- Sergius II, 118–119
- Sichard, abbot of Farfa, 23
- Siena, synod, election of Nicholas II,
172
- Sigebert of Gembloux, 137
- Signulf, bishop of Valva, 256
- Soliman Ottaviani, along with
brothers, invested with Terni, 263
- Soratte, Mount, 262
- Spoletto, Duchy of, 31, 45, 136
- Ss. Cosma e Damiano in Mica Aurea

- (San Cosimato), competition with Farfa, 6, 32, 39–47, 58; grant reveals end of Farfa's monastic empire, 273
- St. Benedict, 36
- St. Benedict, *Rule* of, 20 n.13
- St. Blasius, 37 *see also* San Salvatore, oratorio of (prior name of St. Blasius)
- St. Peter's basilica, Rome, 4, 42, 66
- St. Peter's basilica, Perugia, 259
- Stefano, son of Tebaldo, 99
- Stephen IV, 21, 126
- Stephen IX, death of, 170, 180 n. 3
- Stephen, cardinal priest of San Grisogono, 188–189
- strator*, ceremony of, 261
- Sts. Caesarius & Benedictus, church of, 79
- Subiaco, 2, 81–88, 140
- Suppone, abbot of Farfa, 27–28, 230 n. 15
- suzerainty, imperial, decree of Lothar I for Italy, 118
- Sylvester IV, 136–143 *see also* Maginulf
- Tarano, castle of, 142
- Tarquinium (Corneto), 39
- Teatro Marcello, 34, 98
- Tebaldo, son of Cencius Stephani, 97–100, 103; arbiter, San Nicola in Carcere, 103–104
- Terme Alessandrine*, 32, 34, 36–37
- Terni, grant of Frederick I to Ottaviani brothers, 263
- Terra Sancti Petri*, 64
- Teuto, bishop of Sabina, 269
- Theodinus, archdeacon under Clement III, 85
- Thomas of Maurienne, 17
- Tinioso, Johannes, prefect of Rome, 106, 173
- Todinus, nephew of Gregory of Catino, 10
- Tolomeo (Ptolomeo, Ptolomeus) of Tusculum, Count (rector of Campagna), 85, 89, 141, 226–227
- Tophia, site of completion of trial, 131
- Totadomna, embroidered mappula for altar at Farfa, 230
- Toubert, Pierre, 30
- Tre Fontane at Acqua Salvia, 253
- trial between Farfa & Ottaviani, 11, 14–15, 60; analysis of trial, 133–141; issues at stake, 88–97; arbitration, San Nicola in Carcere: Tebaldo Cenci, 97–99; no decision, 104; Petrus Leonis, 99–100, 133; proceedings, 101–104; possible forum for papacy and empire, 104; whether Petrus Leonis favored Ottaviani and Tebaldo Farfa, 104, 133–134; second tribunal, 105–132: Bellincio as judge, 129, 131, 139; Count Rainald, son of Senebaldo as arbiter, 105–109, 139–140, 241–242; Farfa appeals to privilege of Nicholas II, 120; Farfa depends upon papal and imperial privileges, 116–132; Ottaviani reverse defense, 114–115; use of Donation of Constantine, 114–132, 134, 140, 231
- Tribuco, 3 n. 7, 52, 77–78, 143, 263
- turris Cencii* (castel San Angelo), 97
- Tusculani, 76–77; foe of Paschal II & Johannes, abbot of Subiaco, 85–87; subdued by Nicholas II, 173
- Tusculum, counts of, 264
- Ugolino, brother of Senebaldo, 107
- Urban II *see also* Oddo, cardinal bishop of Ostia, election of, 196, 198–202
- Urban IV, 272
- Urban V, 272
- Valentinus, bishop of Centumcellum, 41
- Valva, dispute of bishop with Farfa, 256–259
- Velletri, bishop of, 169, 171 *see also* Benedict X
- Venerandus, monk of St. Just, ordained as abbot of Ss. Cosma & Damiano, 41; restored Minione, 41
- Via Ostiense, 2
- Victor III *see also* Desiderius of Montecassino, 66–85; critical of Wibert (Guibert, Clement III), 198; election of, 66, 85, 196–198; on legality of Clement III's election, 202; use of term cardinal bishops, 175
- Victor IV *see also* Octavian, 89, 269; election of, 89, 264; family,

- Ottaviani, 75; grant from Frederick I as cardinal, 263; recognition of Farfa's possessions, 269; schism with Alexander III, 179, 264
- Viterbo, property to Farfa, 65; staging point for imperial actions, 30
- Werner, duke and margrave of March of Ancona, 74 n. 38, 136–138; and Maginulf, 136–138; support of Berard IV, 238
- Wibald, abbot of Corvey, 261
- Wibert of Ravenna *see* Guibert of Ravenna (Clement III)
- Wido of Ferrara, election of Gregory VII, 190–192
- William, Duke of Burgundy, father of Calixtus II, 224
- Worms, Concordat of *see* Concordat of Worms
- Worms, council of, letter of German bishops to Gregory VII, 193 n. 50